

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Cr1.O.P.No.9806 of 2021

Thirupathi @ Settu

... Petitioner

Vs.

The State, rep. by
Inspector of Police,
Ambalur Police Station,
Thirupathur District
(Crime No.57 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.57 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.R.Rajadurai

For Respondent : Mr.A.Gopinath,
Government Advocate (Cr1.Side)

O R D E R

(The case has been heard through video conference)

Captioned Criminal Original Petition has been filed under Section 438 of 'The Criminal Procedure Code, 1973' with a prayer for anticipatory bail owing to petitioner's apprehension of arrest by the respondent / State for alleged offences under Sections 4(1)(a), 4(1)(aaa) and 4(1-A) of the 'Tamil Nadu Prohibition Act, 1937' ('said Act' for brevity) vide Crime No. 57 of 2021 on the file of Ambalur Police Station, Thirupathur District.

2. Heard Mr.R.Rajadurai, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of the respondent.

3. It is submitted by the learned counsel for petitioner that petitioner in the captioned Criminal Original Petition is the lone accused, he has not come to adverse notice of the respondent police or in other words, there are no adverse antecedents and that he is

otherwise working as a daily wager. It is also submitted by learned counsel for petitioner that petitioner is a law abiding citizen, he is innocent and he has been framed in aforementioned alleged offences under said Act.

4. Learned State Counsel, on instructions, submits that there is no disputation or disagreement regarding the petitioner not having come to the adverse notice of the respondent police. In other words, there are no bad antecedents qua petitioner is learned State Counsel's say.

5. In the light of the narrative thus far, this Court is of the view that prayer for anticipatory bail to the petitioner deserves to be acceded to.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Principal District Munsif cum Judicial Magistrate, Vaniyambadi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the jurisdictional Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure / verify their identities;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witnesses either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) if there is breach of any of the aforesaid conditions, learned jurisdictional Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned jurisdictional Magistrate/Trial Court himself as per P.K.Shaji principle i.e., law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and

(f) though obvious, it is made clear that if the accused / petitioner herein thereafter absconds, a fresh FIR can be registered in accordance with law.

-sd/-
04/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE,
VANIYAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMBALUR POLICE STATION,
THIRUPATHUR DISTRICT.

+1 CC to M/S R.PARTHIBAN Advocate on payment of necessary charges
SR.No.6388

WEB COPY

CRL OP.9806/2021

Date :04/06/2021

cs 17/06/2021