

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9784 of 2021

Palani

... Petitioner

Vs.

State, rep. by
The Inspector of Police,
Vanapuram Police Station
Thiruvannamalai District.
(Crime No.97 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.97 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.S.Silambuselvan

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

O R D E R

(The case has been heard through video conference)

Lone accused in Crime No.97 of 2021 on the file of Vanapuram Police Station, Jayankondam, Thiruvannamalai District, has filed the captioned Criminal Original Petition under Section 438 of 'The Code of Criminal Procedure, 1973' ('Cr.P.C.' for the sake of brevity) apprehending arrest by the respondent State for alleged offences punishable under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, 1937.

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

3. When the matter last came up on 04.06.2021 (Friday), a secretarial error was noted as 20 Litres of ID (Illicitly Distilled) Arrack has been wrongly shown as 20 Bottles of TASMAC liquor. However, this is the allegation in the F.I.R. Now, a memo dated 04.06.2021 has been filed stating the correct allegation in the F.I.R.

4. Mr.Silambuselvan learned counsel for petitioner submitted that the petitioner works as an agricultural labourer, he had earlier worked as labourer in an East Asian country and he is innocent. It is his further say that the petitioner has been framed in the aforementioned case. It is also submitted that this is the petitioner's first brush with law or in other words, there are no adverse antecedents qua the petitioner.

5. Mr.A.Gopinath, learned State Counsel (on instructions) submits that there can be no disputation that the petitioner does not have adverse antecedents.

6. In the light of the narrative thus far, this Court is inclined to accede to the prayer for anticipatory bail albeit subject to conditions that would be adumbrated elsewhere infra in this order.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate, Thandarampattu 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 impressions in the surety bonds and the learned 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 witness/es 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, the learned 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 Magistrate/Trial Court himself / itself as per P.K.Shaji principle being 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 thereafter absconds, consequences ingrained in Section 229-A of the Indian Penal Code 1860 will follow wherever applicable.

-sd/-
08/06/2021

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 JUDICIAL MAGISTRATE,
THANDARAMPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VANAPURAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.S.SILAMBUSELVAN Advocate on payment of necessary charges SR.No.6434

CRL OP.9784/2021

Date :08/06/2021

cs 22/06/2021