

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

CrI.O.P.No.9869 of 2021

G.Murali

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Sriperumbudur Police Station
(Crime No.740 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on anticipatory bail in the event of the petitioner arrest pending investigation in Crime No.740/2021 on the file of the respondent police.

For Petitioner : Mr.M.Karthik

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

ORDER

(The case has been heard through video conference)

Captioned Criminal Original Petition has been filed under Section 438 of 'The Code of Criminal Procedure, 1973' ['Cr.P.C' for brevity] with a prayer for Anticipatory Bail, apprehending arrest by the respondent police/State for alleged offences under Sections 4(1) (g), 4(1)(aa), 4(1-A) of the Tamil Nadu Prohibition Act, 1937 vide Crime No.740 of 2021 on the file of Sriperumbudur Police Station, Kanchipuram District.

2. This Court heard Mr.M.Karthik, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of State on a video conferencing mode.

3. Learned counsel for petitioner submits that there are no adverse antecedents qua the petitioner, he is a law abiding citizen and he has been implicated in this case unfortunately.

4. Learned State Counsel submits that three persons in all form part of the alleged occurrence on 27.05.2021, the other two namely A1 and A2 have already been secured and they are still in

incarceration. However, there is no disputation that the petitioner has not come to the adverse notice of the respondent police earlier. In other words, there is no disputation regarding petitioner counsel's say that there are no adverse antecedents qua petitioner. It is also submitted by learned counsel for petitioner that petitioner is a Daily Wager.

5. Though learned State counsel submits that total quantum of arrack seized from the three individuals is much larger (84 liters), learned counsel for petitioner submits that the allegation against him is that he was in possession of two 500 ml bottles. It is not necessary to delve any further on this as this a petition under Section 438 of Cr.P.C.

6. In the light of the narrative thus far, this Court is inclined to accede to the prayer to the anticipatory bail albeit on the conditions 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, Sriperumbudur** 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 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;

(f) 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 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

(g) though obvious it is made clear that if the accused/petitioner herein thereafter absconds, consequences ingrained in Section 229-A IPC will follow wherever applicable.

-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 JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
SRIPERUMBUDUR POLICE STATION.

CC to M/S.M.KARTHIK Advocate on payment of necessary charges

CRL OP.9869/2021

सत्यमेव जयते Date :04/06/2021

TA-13/07/2021

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