



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12427 of 2021

S.Prasath

...Petitioner

Versus

State

The Inspector of Police,  
J-1, Saidapet Police Station,  
Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in connection with the Crime No.213 of 2021 on the file of the respondent.

For Petitioner : Mr.M.Arun

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(aa), 24 of Tamil Nadu Prohibition Act and Section 269 of IPC, in Crime No.213 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused person were selling liquor at prohibited hours near the TASMAR bar. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready to deposit an amount of Rs.50,000/- to the Adyar Cancer Hospital and Research Institute, Adyar, Chennai and prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.



5. Considering facts and circumstances of the case and there is no previous case, this Court is inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned IX Metropolitan Magistrate, Saidapet, Chennai, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make a non-refundable deposit of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Adyar Cancer Hospital and Research Institute, Adyar, Chennai, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/ acknowledgement, shall accept the sureties furnished by the petitioner;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(g) on 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 as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-  
19/07/2021

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 METROPOLITAN MAGISTRATE NO.IX,  
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN  
MAGISTRATE, EGMORE [FOR INFORMATION]

3 THE OFFICER INCHARGE  
ADYAR CANCER HOSPITAL AND RESEARCH INSTITUTE,  
ADYAR, CHENNAI

4 THE INSPECTOR OF POLICE,  
J-1, SAIDAPET POLICE STATION,  
CHENNAI

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CRL OP.12427/2021

Date :19/07/2021

APN 03/08/2021