



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.12998 of 2021

MANI @ MANIKANDAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
J-3, GUINDY POLICE STATION,
CHENNAI.
IN CRIME NO.578 OF 2021.

[RESPONDENT]

For Petitioner : M/S.J.WILLIAM SHAKESPHERE Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 269, 270, 294(b), 506(2) of IPC and 4(1)(a) of Tamilnadu Prohibition Act, in Crime No.578 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner indulged in selling TASMAL liquor beyond the permitted time that too during lock-down period, When it was questioned by the defacto complainant, he was threatened by the petitioner and other accused persons. Hence, the complaint.

3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that no one was sustained injury and there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and also the fact that no one was sustained injury and there is no previous case pending against the petitioner, 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-15, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner and 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation,

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

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

(e) 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;

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

-sd/-

29/07/2021

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 IX METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI-15.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
J-3, GUINDY POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.WILLIAM SHAKESPHERE Advocate on payment of
necessary charges

CRL OP.12998/2021

Date :29/07/2021

RVR 11/08/2021