



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

Wednesday, the Fifteenth day of September Two Thousand Twenty One

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PRESENT

The Hon`ble Mrs Justice TV. THAMILSELVI
CRIMINAL ORIGINAL PETITION No.14546 of 2021

ASHOK KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT.
CRIME NO. 364 OF 2021.

[RESPONDENT]

For Petitioner : M/S. R.SASIKUMAR Advocate

For Respondent : MR. L.BASKARAN, Govt. 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 offences punishable under Sections 4(1)(aa) r/w, 4(1)(g) r/w 4(1-A) of TNP Act, in Crime No.364 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 70 litres of Ural and 10 liters of I.D. Arrack. Hence, a case was registered against the petitioner.

3. The learned counsel appearing for the petitioners would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that, he is ready to oblige by the order of this Court.

4. The learned Government Advocate (Crl.side) would submit that the petitioner was found in possession of 70 ltrs of Ural and 10 liters of ID Arrack. He would further submit that after chemical test, the seized properties were destroyed.



5. Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Registered Advocate Clerk Association, Tiruvannamalai, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruthuraipoondi, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Registered Advocate clerk Association, Tiruvannamalai.

[c] the petitioner shall report before the respondent police for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

15/09/2021

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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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVARUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
TIRUVANNAMALAI.

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

CRL OP.14546/2021

Date :15/09/2021

INBA 20/09/2021