



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

Wednesday, the First day of September Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15659 of 2021

ELUMALAI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PEW THIRUVANNAMALAI,
THIRUVANAMALAI DISTRICT.
(CRIME NO.538/2021)

[RESPONDENT]

For Petitioner : M/S M.SUBASH Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

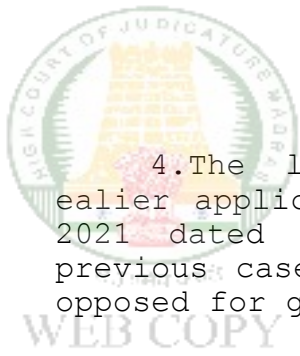
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(aaa) and 4(1-A)(ii) TN Prohibition Act and 6 & 7 of TN Rectified Sprit Rules, 2000, in Crime No.538 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. This is the second anticipatory bail application filed before this Court. The case of the prosecution is that the petitioner along with other accused person were found in illegal possession of 350 liters of I.D.Arrack. 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.1,00,000/- 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 ealier application was dismissed by this Court in Crl.O.P.No.9991 of 2021 dated 05.07.2021. He further submits that there are seven previous cases pending against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate No.II, Tiruvannamalai, 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.1,00,000/- (Rupees One Lakh 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.

-sd/-

01/09/2021

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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 NO.II,
TIRUVANNAMALAI.

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

3 THE INSPECTOR OF POLICE,
PEW THIRUVANNAMALAI ,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE ADYAR CANCER HOSPITAL AND RESEARCH INSTITUTE,
ADYAR, CHENNAI.

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

CRL OP.15659/2021

Date :01/09/2021

INBA 20/09/2021