



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of November Two Thousand Twenty One

PRESENT

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20907 of 2021

AYYANAAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
PEW VILLUPURAM POLICE STATION,
VILLUPURAM DISTRICT
CR NO.686/2021

[RESPONDENT]

For Petitioner : M/S.R.PARTHIBAN Advocate

For Respondent : MR.A.GOKULAKRISHNAN ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(a) read with 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.686 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 23.10.2021 at about 2.15 p.m., when the respondent police was patrolling, the petitioner was found selling ID arrack illegally. On seeing he police, the petitioner escaped from the place and 10 liters of ID arrack was seized from the place of occurrence. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit 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 he would submit that without prejudice to his defence and contentions, the petitioner on his own volition, is willing to contribute a sum of Rs.2,000/- to any charitable institution as may be direction by this Court and prayed for grant of anticipatory bail



to the petitioner.

4. The learned Additional Public Prosecutor raised formal objection and would submit that there is no previous case against the petitioner.

5. Taking into consideration the submissions advanced on behalf of the petitioner and the fact that there is no previous case against him and that the petitioner on his own volition has agreed to contribute a sum of Rs.2,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Vikkaravandi, 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.2,000/- by way of demand draft to the Registered Advocates Clerks Association, Villupuram District, under necessary acknowledgment without prejudice to his defence before the trial Court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner ;

(c) 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;

(d) 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.

(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/-

08/11/2021

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,
VIKKARAVANDI

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PEW VILLUPURAM POLICE STATION,
VILLUPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATES
CLERKS ASSOCIATION,
VILUPPURAM DISTRICT

+1 CC to M/S.R.PARTHIBAN Advocate on payment of necessary charges SR.No.12496

CRL OP.20907/2021

Date :08/11/2021

APN 12/11/2021