



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20924 & 21029 of 2021

1 PRABAKARAN
2 N.K.PALANISAMY

[PETITIONERS / ACCUSED
IN CRL.O.P.No.20924/2021]

SHANMUGAM

[PETITIONER/ACCUSED
IN CRL.O.P.No.21029/2021]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
PROHIBITION AND ENFORCEMENT WING,
ARIYALUR POLICE STATION,
ARIYALUR DISTRICT
CR NO. 1012/2021

[RESPONDENT IN BOTH
THE PETITIONS]

For Petitioner : M/S.B.MAHENDRA NAIDU Advocate
[IN CRL.O.P.No.20924/2021]

For Petitioner : M/S.C.PRABAKARAN Advocate
[IN CRL.O.P.No.21029/2021]

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P.Nos.' who apprehend arrest for the alleged offences punishable under Sections 4(1)(aa), 4(1)(i), 4(1)(A) of the Tamil Nadu Prohibition Act and Section 409 of IPC in Crime No.1012 of 2021, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution in Crl.O.P.Nos.' is that on 24.10.2021, when the police party were conducting regular checkup, two persons were found illegally selling liquor near Vannankuttai, Ariyalur. On enquiry, it was found that they had purchased the liquor bottles through petitioner/A-3 from petitioner/A-7 and A-8, who are working in the TASMAC shop. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners/A-7 and A-8 are working as Supervisor and salesman in the TASMAC shop and that a false confession statement were given by the accused 1 and 2. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent submitted that there are totally eight accused in this case and the accused persons were found in illegal possession of 334 bottles of brandy and on enquiry, it was found that they had purchased the liquor bottles through petitioner/A-3 from petitioner/A-7 and A-8, who are working in the TASMAC shop. He further submits that the property has been recovered and there are no previous cases against the petitioners. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering that there are no previous cases pending against the petitioners/A-3, A-7 and A-8 and that the petitioners are only employees of the TASMAC shop, this Court is inclined to grant anticipatory bail to the petitioners/A-3, A-7 and A-8 in the above Crl.O.P.Nos.' with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Ariyalur, on condition that the petitioners shall execute separate 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

-sd/-

09/11/2021

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,
NO.I, ARIYALUR

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PROHIBITION AND ENFORCEMENT WING,
ARIYALUR POLICE STATION,
ARIYALUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.B.MAHENDRA NAIDU Advocate on payment of necessary charges SR.No.12521

+1 CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges SR.No.12587

CRL OP.20924&21029/2021

Date :09/11/2021

APN 15/11/2021