



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

Monday, the Eighth day of November Two Thousand Twenty One

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PRESENT

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI
CRIMINAL ORIGINAL PETITION No.20955 of 2021

1 SELVAMANI
2 KOLANCHINATHAN

[PETITIONER / ACCUSED]

Vs

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

[RESPONDENT]

For Petitioner : M/S. V.ILLANCHEZIAN 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 :-

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(aa), 4(1)(i), 4(1)(A) of Tamil Nadu Prohibition Act and Section 409 of IPC, in Crime No.1012 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 24.10.2021 when the police party were conducting regular checkup, A1 and A2 were found illegally selling liquor near Vannankuttai, Ariyalur. On enquiry, it was found that A1 and A2 had purchased the liquor bottles through A3 from A4 to A8 who are working in a TASMACHOP shop. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions he would submit that without prejudice to their defence and contentions, the petitioners on their own volition,



are willing to contribute a sum of Rs.5,000/- each to any charitable institution as may be directed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor raised objections stating that there are totally 8 accused in this case and the petitioners are arrayed as A4 and A5 and they are working as Supervisor and Salesman in a TASMAL shop. The petitioners with the help of other staffs/A6 to A8, illegally sold the liquor bottles to A1 and A2 through A3 for the purpose of selling the same in open market for higher price. He would further submit that on the date of occurrence, A1 and A2 were found in illegal possession of 131 bottles of SNJ No.1 Brandy, 116 bottles of Black Pearl Brandy, 65 bottles of Express Brandy, 10 bottles of Honeyday Brandy and 12 nos. of beer bottles. However, he would submit that there is no previous case against the petitioners.

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Ariyalur, on condition that the petitioners shall execute a 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 and on further condition that:

(a) if the petitioners 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 petitioners shall make a non-refundable deposit of Rs.5,000/- each, by way of demand draft to the Registered Advocates Clerks Association, Ariyalur District, under necessary acknowledgment without prejudice to their 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 petitioners;

(c) the petitioners 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 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.

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(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners 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 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]; 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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-I,
ARIYALUR.

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

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



4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATES CLERKS ASSOCIATION,
ARIYALUR DISTRICT.

+1 CC to M/S. V.ILLANCHEZIAN Advocate on payment of necessary
charges SR.NO.12504

CRL OP.20955/2021

Date :08/11/2021

INBA-12/11/2021