



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21408 of 2021

A.BALAJI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ARAKANDANALLUR POLICE STATION,
VILLUPURAM DISTRICT.
(CRIME NO.307/2021)

[RESPONDENT]

For Petitioner : M/S G.MAGESHKUMAR Advocate

For Respondent : M/S.N.S.SUGANTHAN, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest for the alleged offence under Sections 4(1)(g), 4(1)(a), 4(1-A) of TN Prohibition Act, in Crime No.307 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, the occurrence took place on 24.05.2021. On patrolling the Village by the respondent police, the petitioner fled the scene of occurrence where a tank of 250 litres of fermented wash was found. Thereby, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that, the petitioner was falsely implicated in this case. The petitioner is an innocent person and no way connected to the alleged prosecution. However, on conditions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that is to be imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Cr1. side) submits that there was 10 previous cases pending against this petitioner. The property of 250 litres of fermented wash was recovered from the petitioner.



The investigation is almost completed.

5. Considering the fact that the investigation is almost completed. The property of 250 litres of fermented wash was recovered from the petitioner. Hence, 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, Tirukoilur**, 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). The petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the Registered Advocate Clerk Association, Tirukoilur, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

(b) 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;

(c) **the petitioner shall report before the respondent police on every Friday at 10.30 a.m., until for orders;**

(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]**; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/11/2021

WEB COPY

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,
TIRUKOILUR, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAKANDANALLUR POLICE STATION,
VILLUPURAM DISTRICT.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
TIRUKOILUR.

+1 CC to M/S G.MAGESHKUMAR Advocate on payment of necessary charges SR.NO.12861

CRL OP.21408/2021

Date :16/11/2021

TA-19/11/2021