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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21405 of 2021

Govintharaj

... Petitioner

Versus

State Rep by
The Inspector of Police
Kolathur Police Station,
Salem District.
(Crime No.404 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.404 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/S.C.Deepak Kumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

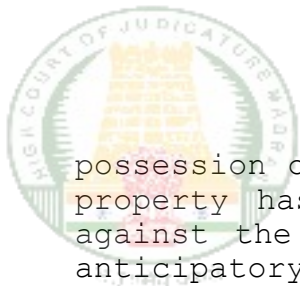
ORDER

The petitioner, who apprehends arrest for the alleged offences punishable under Section 4(1)(a) & 4(1-A) of Tamil Nadu Prohibition Act in Crime No.404 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner was found in illegal possession of 5 litres of illicit liquor and the same was seized by the respondent police.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.2,000/- to the credit of the Registered Advocate Clerk Association, Salem District that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner was found in illegal



possession of 5 litres of illicit liquor. He further submits that the property has been recovered and there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

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5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate, 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 before the learned **Judicial Magistrate No.I, Mettur**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of **Rs.2,000/- (Rupees Two Thousand only)** to the credit of the Registered Advocate Clerk Association, Salem District, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner is directed to report before the respondent police on every Friday at 10.30 a.m., until further 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]**.



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

-sd/-
15/11/2021

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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,
NO.I, METTUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEMD DISTRICT.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
SALEM DISTRICT.

+1 CC to M/S C. DEEPAK KUMAR Advocate on payment of necessary charges SR.NO.12802

CRL OP.21405/2021

Date :15/11/2021

TA-19/11/2021