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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

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

Crl.O.P.No.21557 of 2021

A.Anandhi @ Victa Anandhi

... Petitioner

Vs.

State Rep. by
Sub Inspector of Police,
N - 2 Kasimedu Police Station,
Kasimedu, Chennai.
Crime No. 722 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.722 of 2021 on the file of the respondent.

For Petitioners: Mr.P.Balamurugan

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

O R D E R

The petitioner who apprehends arrest for the alleged offence under Sections 4 (1 - A) of TN Prohibition Act in Crime No.722 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A3 along with other person indulged in illegal sale of 170 Brandy bottles. A1 and A2 were arrested and from them 170 brandy bottles were seized.

3. The learned counsel appearing for the petitioner submit that the petitioner is innocent person and had not committed any offence as alleged by the prosecution and falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submits that petitioner/A3 along with A1 and A2 had illegally sold the TASMAL Brandy bottles. He further submits that there are three previous cases as against the petitioner/A3. Hence, he opposed for granting anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and also considering the submission made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on anticipatory 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 XVI Metropolitan Magistrate Court, George Town, Chennai, 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 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;

(b) the petitioner shall report before the respondent police on every Monday and Friday at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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;

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

-sd/-

18/11/2021

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 XVI METROPOLITAN MAGISTRATE
COURT, GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 SUB INSPECTOR OF POLICE,
N-2 KASIMEDU POLICE STATION,
KASIMEDU, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.BALAMURUGAN Advocate on payment of necessary
charges Sr.12966

CRL OP.21557/2021

Date :18/11/2021

RVR 23/11/2021