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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.21685 of 2021

U.Sekar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
N4 Fishing Harbour Police Station,
Chennai.
Crime No. 950 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory bail in the event of his arrest in Crime No.950 of 2021 on the file of the respondent.

For Petitioners : Mr.R.Vetrivel

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

ORDER

The petitioner who apprehends arrest for the alleged offence under Sections 353 IPC r/w 4 (1) (a) of TNP Act in Crime No.950 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other person had illegally sold the Honey Day Brandy bottles without obtaining valid licence. Thereby, the defacto complainant lodged a complaint against the petitioner.

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. 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.3,000/- to the credit of the Tamil Nadu Advocate clerk Association, Chennai, that may be imposed by this Court Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl. side) submits that petitioner along with A1 illegally sold the Brandy bottles. 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 the learned Government Advocate, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Geroge 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 petitioners are directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) , to the credit of the Tamil Nadu Advocate Clerk Association, Chennai, 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. for a period of four weeks and thereafter, as and when required for interrogation;

(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 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;



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

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-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 THE XVI METROPOLITAN
MAGISTRATE COURT, GEORGE TOWN, CHENNAI

2 THE METROPOLITANMAGISTRATE,
EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE,
N4 FISHING HARBOUR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE TAMILNADU ADVOCATES
CLERK ASSOCIATION, CHENNAI

CC to M/S. R.VETRIVEL Advocate on payment of necessary charges

CRL OP.21685/2021

Date :18/11/2021

APN 26/11/2021