



WEB COPY

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.21609 of 2021

G.K.Chittibabu

... Petitioner/A8

Vs.

State of Tamil Nadu
Rep. by The Inspector of Police,
PWE Periyapalayam Police Station,
Thiruvallur District.
Cr.No.67 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.67 of 2021 for the offence punishable under Sections 4 (1) (aaa). 4 (1-A) of Tamil Nadu Prohibition Act r/w Section 328 of IPC r/w Section 7,11 of TN Rectified Spirit Rules pending investigation on the file of the respondent.

For Petitioners: Ms.S.C.Vishwanth

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

O R D E R

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 4(1)(aaa), 4(1)(A) of TNP Act r/w Section 328 of IPC r/w Section 7,11 of TN Rectified Spirit Rules, in Crime No.67 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the respondent police was on regular raid, they found that the petitioner had illegally transported a 240 litres of spirit by using cars and based on the confession statement given by one of the accused persons, the respondent police went to the godown and there, they found that 15,690 litres of spirit and the respondent police seized the said spirit and the vehicles. Hence, the complaint.



3. The learned counsel appearing for the petitioner submit 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 submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to the credit of the Tamilnadu Advocates Clerks Association, Chennai 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) submits that the petitioner along with others were found in illegal possession of 15,930 litres of spirit. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, 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-I, Thiruvallur, on condition that the petitioner shall execute 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, 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.10,000/- (Rupees Ten Thousand only) to the Tamilnadu Advocates Clerks 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 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 learned Judicial Magistrate Court, Hosur on every Monday at 10.30 a.m., for a period of four weeks and thereafter as and 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 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A 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 THE JUDICIAL MAGISTRATE,
NO.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PWE PERIYAPALAYAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE TAMILNADU ADVOCATES
CLERKS ASSOCIATION, CHENNAI.

+1 CC to M/S. S.C.VISHWANTH Advocate on payment of necessary charges SR.NO.12981

CRL OP.21609/2021

Date :18/11/2021

RW 22/11/2021