



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.21719 of 2021

Govindasamy

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Prohibition and Excise Wing,
Ariyalur.

(Cr.No.1009 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.1009 of 2021 on the file of the Inspector of Police, PEW, Ariyalur.

For petitioner : Mr.C.Prabakaran

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest for the alleged offences under Sections 4(1) (a), 4(1) (1) and 4(1-A) of TNP Act, in Crime No.1009 of 2021, on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that on 23.01.2021, the petitioner and along with others were illegally possession of 120 bottles of I.D Arrack.

4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, on instructions, he submitted that the petitioner is ready and willing to deposit any amount as imposed by this Court and prays for grant of anticipatory bail to the petitioner.



5.The learned Government Advocate would submit that the petitioner and along with others were illegally possession of 120 bottles of I.D Arrack. He would further state that there are two previous cases pending against the petitioner.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and taking note of the fact that the petitioner is ready and willing to deposit any amount as imposed by this Court, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court No.I, Ariyalur, within a period of 15 days from the date of receipt of a copy of this order, on their executing a 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 and on further condition that:

[a] the petitioner shall make non-refundable deposit a sum of Rs.3,000/- (Rupees Three Thousand Only) through demand draft to the Registered Advocates Clerks Association, Ariyalur, without prejudice to his defence before the trial Court and the learned District Munsif cum Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

[b] 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 shall report before the respondent police daily at 10.30 a.m., until further orders.

[g] the petitioner shall not abscond either during investigation or trial.

[h] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[i] 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 is 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



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

WEB COPY

-sd/-
19/11/2021

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, ARIYALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PROHIBITION AND EXCISE WING,
ARIYALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATES CLERKS ASSOCIATION,
ARIYALUR DISTRICT.

+1CC to M/S. C.PRABAKARAN Advocate on payment of necessary charges SR.NO.13093

CRL OP.21719/2021

Date :19/11/2021

CSK 24/11/2021