



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22403 of 2021

1.Sasi@Sasikumar
2.Maharaja
3.Thennarasu

...Petitioners

Versus

The State Rep by its
The Inspector of Police,
Prohibition Enforcement Wing Police Station,
Nagapattinam District.
(Crime No.1761 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.1761 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.J.Jawahar

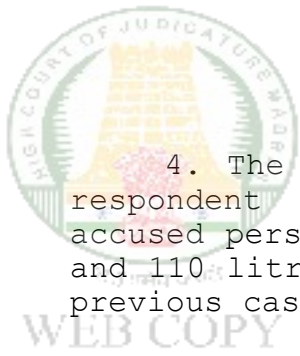
For Respondent : Mr.N.S,Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(aaa) r/w 4 (1-A) of T.N.P.Act and 4, 5 of T.N.Rectified Spirit rules 2000 of Indian Penal Code, in Crime No.1761 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution that on 23.03.2021, the petitioners along with some other accused persons are involved in transporting the 1750 litres of ID Arrack and 110 litres of pondy Arrack by bolero vehicle. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they had not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.10,000/- to the credit of the Secretary, Legal Services Authority, Chennai. He prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners along with the other accused persons are involved in transporting 1750 litres of ID Arrack and 110 litres of pundy Arrack. He further submitted that there is no previous case pending against the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Nagapattinam, on condition that the petitioners shall execute 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] Each of the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand each only) to the credit of the Secretary, Legal Services Authority, 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 petitioners 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 petitioners are directed to appear before respondent police on every Wednesday at 10.30 a.m., until further orders. .

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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.

WEB COPY

-sd/-
26/11/2021

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.II, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE SECRETARY,
TAMIL NADU LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to J.JAWAHAR Advocate on payment of necessary charges

CRL OP.22403/2021

Date :26/11/2021

CSK 03/12/2021