



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23816 of 2021

1.Devaraj @ Devan
2.Venkatesan

... Petitioners

Versus

State represented by
The Inspector of Police,
Thiruppathur Taluk Police Station,
Thiruppathur District. (Vellore District)
(Crime No.425 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant anticipatory bail to the petitioners in the event of their arrest in Crime No.425 of 2021 pending on the file of the respondent.

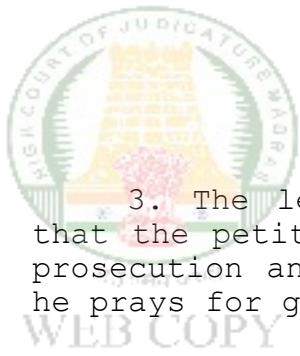
For Petitioners : Mr.E.Kannadasan

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(aa) r/w 4(1-A)(ii) of Tamil Nadu Prohibition Act in Crime No.425 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 27.11.2021 when the respondent police and his subordinates were conducting routine vehicle checkup at Vengalapuram E.B. Office while at that time one TVS Jupiter Brown colour two wheeler bearing Registration No. TN-83-V-9722 came in an opposite direction and the respondent police stopped the vehicle and made search and found 50 liters of ID arrack and A1 was arrested and recorded her statement, based on her statement these petitioners name have been implicated as accused in this case and try to arrest them. Hence the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners illegally transported 50 liters of ID arrack without permission. 1 previous case pending against A1 and no previous case pending against A4. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, 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 their appearance before the learned Judicial Magistrate No.II, Thiruppathur, on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Registered Advocate Clerk Association, Thiruppathur District 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 report before the respondent police daily 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 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].

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

-sd/-
09/12/2021

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, THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
THIRUPPATHUR TALUK POLICE STATION,
THIRUPPATHUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE,
CLERK ASSOCIATION, THIRUPPATHUR.

+1 CC to M/S E.KANNADASAN Advocate on payment of necessary charges SR.NO.14423

CRL OP.23816/2021

Date :09/12/2021

JPA 14/12/2021