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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24763 of 2021

1.Gurusamy @ Musaran
2.Mathammal

... Petitioners

Versus

The State represented by
The Inspector of Police,
Kolathur Police Station,
Salem District.
(Crime No.424 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 arrest a case in Crime No.424 of 2021 on the file of the respondent.

For Petitioners : Mr.C.Deepak Kumar

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

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.424 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 27.11.2021 the respondent along with other police official on his routine ride, they found that the petitioners in the possession of 5 liters of illicit alcohol. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have 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 seized 5 litres of ID arrack and 2 previous cases pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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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.1, Mettur, 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 Little Hearts, Annathanapatti Village, Salem District, Contact No. 9500017716, 7845982014 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 Saturday 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.

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-sd/-

17/12/2021

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.I,METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE LITTLE HEARTS, ANNATHANAPATTI VILLAGE,
SALEM DISTRICT, CONTACT NO. 9500017716, 7845982014

CC to M/S C.DEEPAK KUMAR Advocate on payment of necessary charges

CRL OP.24763/2021

Date :17/12/2021

RVR 23/12/2021