



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24813 of 2021

Sivakumar

... Petitioner

Versus

The State represented by
The Inspector of Police,
V-7, Nolambur Police Station,
Chennai.

(Crime No.926 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in Crime No.926 of 2021 on the file of the Inspector of Police, V-7, Nolambur Police Station, Chennai, on such terms and conditions.

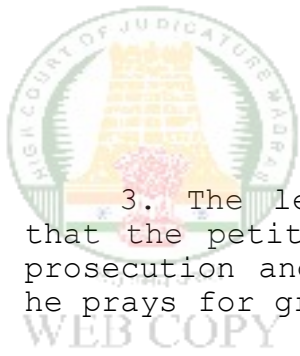
For Petitioner : Mr.M.Vinoth

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(a) and 4(1)(i) of TNP Act and 353 of IPC in Crime No.926 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police while conducting regular checking near west Mugapair area at the time the persons were standing back side of TASMACH shop and selling some brandy bottles to the public without valid license, when the respondent police try to catch them one person arrested another escaped from the scene the respondent police have seized a 102 bottles of brandy along with 10 bottles of beer from the arrested accused. Hence the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner 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 petitioner seized 102 bottles of brandy. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, 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 Court, Ambatur, on condition that the petitioner 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 petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Anbagam Psychiatric Rehabilitation Centre (TERDOD), 5, Subbarayan Main Street, Opp Government Polytechnic College, Nammalwarpet, Otteri, Chennai, Contact No.044-26605865, 9444009988 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 respondent police on every Saturday at 10.30 a.m., until further orders;

[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.

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[f] 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 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/-
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,
AMBATUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
V-7, NOLAMBUR POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE ANBAGAM PSYCHIATRIC REHABILITATION
CENTRE (TERDOD),
5, SUBBARAYAN MAIN STREET,
OPP GOVERNMENT POLYTECHNIC COLLEGE,
NAMMALWARPET, OTTERI, CHENNAI,
CONTACT NO.044-26605865, 9444009988

+1 CC to M/S.M.VINOTH Advocate on payment of necessary charges
SR.NO.15059

CRL OP.24813/2021

Date :17/12/2021

JPA 20/12/2021