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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

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

Crl.O.P.No.25341 of 2021

R.Sargunan

... Petitioner

Vs.

The Represented by
The Inspector of Police,
Avalur Police Station,
Ranipet District.
Crime No.164 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying enlarge the petitioner on bail in the event of his arrest in Crime No.164 of 2021 on the file of the Thalaivasal Police Station, Salem District.

For Petitioner : Mr.L.Poompavai

For Respondent : Mr.N.S.Suganthan

Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 4(1)(aa) and 4(1-A) of TNP Act and 328 of IPC, in Crime No.164 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner was found in illegal possession of Top Star Brandy 126, Old Chief Brandy 36 bottles.

3. The learned counsel appearing for the petitioner submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.5000/- to the credit of the Registered Advocate Clerk Association, Cuddalore that may be imposed by this Court Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate appearing for the respondent submitted that the petitioner was found in illegal possession of Top Star Brandy 126, Old Chief Brandy 36 bottles. He further submits that there are no previous cases pending against this petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.5,000/- (Rupees Five Thousand only), to the credit of the Registered Advocate Clerk Association, Cuddalore, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 No.I, Walaja, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties 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 Registered Advocate Clerk Association, Cuddalore, 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 daily 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.

[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 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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23/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-I,
WALAJA, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUB- INSPECTOR OF POLICE,
AVALUR POLICE STATION,
RANIPET DISTRICT.

4 THE REGISTERED
ADVOCATE CLERK ASSOCIATION,
CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.L.POOMPAVAI Advocate on payment of necessary
charges SR.NO.15452

CRL OP.25341/2021

Date :23/12/2021

CSK 29/12/2021