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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.25361 of 2021

1.Suresh
2.Akash

... Petitioners

Vs.

The Represented by
The Inspector of Police,
Karuppur Police Station,
Salem District.
Crime No.176 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying enlarge the petitioners on bail in the event of their arrest in Crime No.176 of 2021 on the file of the Thalaivasal Police Station, Salem District.

For Petitioners : Mr.C.R.Ponnuthai

For Respondent : Mr.N.S.Suganthan

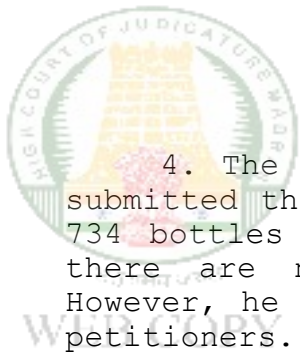
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest for the alleged offences punishable under Sections 4(1)(aaa) and 4(1-A) of TNP Act, in Crime No.176 of 2021, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners was found in illegal possession of 734 bottles. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioners, on his own volition, is ready and willing to contribute a sum of Rs.25000/- to the credit of the Registered Advocate Clerk Association, Salem 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 petitioners was found in illegal possession of 734 bottles and worth about Rs.1,07,200/-. He further submits that there are no previous cases pending against these petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

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 petitioners have come forward to deposit an amount of Rs.25000/- to the credit of the Registered Advocate Clerk Association, Salem, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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, Salem**, 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 petitioners are directed to deposit a sum of Rs.25000/- jointly and severally to the credit of the Registered Advocate Clerk Association, Salem, 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 petitioners are directed to report before the respondent police every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[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.

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-sd/-
23/12/2021

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, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARUPPUR POLICE STATION,
SALEM DISTRICT.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
SALEM DISTRICT.

+1 CC to M/S.C.R.PONNUTHAI Advocate on payment of necessary charges SR.NO.15605

CRL OP.25361/2021

Date :23/12/2021

TA-29/12/2021