



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL.O.P.No.25494 of 2021

Mani @ Dhanush

... Petitioner

Versus

State Rep by
The Inspector of Police
Nagarasampatty Police Station,
Krishnagiri District
(Crime No.305 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of the arrest in Crime No.305 of 2021 on the file of the respondent or his appearance before the concerned Court to release him on bail.pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Veera Narayanan

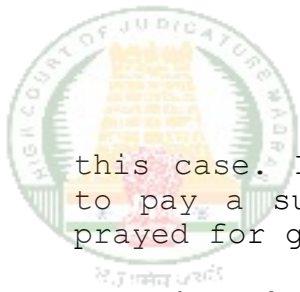
For Respondent : Mr.L.A.J.Selvam,
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 4(1)(g), 4(1)(a) r/w.4(1-A) of the Tamil Nadu Prohibition Act in Crime No.305 of 2021 seeks anticipatory bail.

2. The case of the prosecution is that totally there are four accused involved in this case and this petitioner is arrayed as A4 in this case. According to prosecution, this petitioner is alleged to have in possession of 20 liters of ural in a cover. Hence, the present complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submits that the co-accused A1 was already arrested and released on bail. Only on a confession statement of A1 alone, this petitioner/A4 is added as an accused in



this case. In order to show his bona fide, he is ready and willing to pay a sum of Rs.10,000/- to any public organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the petitioner/A4 is said to have in possession of 20 liters of ural in cover illegally. According to him, the entire contraband was recovered and A1 was arrested and released on bail.

5. Considering the allegations made against this petitioner and he is willing to pay a sum of Rs.10,000/- to the public organization and he is implicated only based on the confession statement of A1, who was already released on bail, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government Yoga and Naturopathy Medical College and Hospital, Arignar Anna Government Hospital of Indian Medicine Campus, Arumbakkam, Near Anna Arch, Chennai - 600 106, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Pochampalli.

6. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pochampalli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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 is 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].

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

-sd/-

29/12/2021

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,
POCHAMPALLI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NAGARASAMPATTY POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE GOVERNMENT YOGA AND
NATUROPATHY MEDICAL COLLEGE AND HOSPITAL,
ARIGNAR ANNA GOVERNMENT HOSPITAL OF INDIAN
MEDICINE CAMPUS, ARUMBAKKAM, NEAR ANNA ARCH,
CHENNAI-600 106.

CC to M/S. M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.25494/2021

Date :29/12/2021

CSK 06/01/2022