



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25553 of 2021

Samydurai

... Petitioner

Vs.

The State Rep. By

...Respondent

Inspector of Police

Kolathur Police Station

Salem District

Crime No.442 of 2021.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. praying to enlarge the petitioner on bail in the event of arrest in Crime No.442 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.N.S.Suganthan

Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under **Sections 4(1)(a), 4(1)(g) & 4(1-A) of Tamil Nadu Prohibition Act**, in Crime No.442 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 16.12.2021 at about 11.15 a.m., when the respondent police officials were on their routine check, the petitioner along with other accused was found in possession of 15 litres of illicit alcohol and 200 litres of ingredients to prepare the illicit alcohol. Hence, the complaint.



3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. However, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.5,000/- to any charitable institution without prejudice to his rights and contentions as may be directed by this Court and would pray for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection but admits that there is no previous case against the petitioner.

5. Considering the above facts and circumstances of the case and the fact that there is no previous case against the petitioner, 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-I, Mettur**, 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 conditions that:

[a] the petitioner is directed make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the **Registered Advocate Clerk Association, Mettur**, 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 shall 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-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.I, METTUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
METTUR.

+1 CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary charges SR.NO.15576

CRL OP.25553/2021

Date :23/12/2021

TA-03/01/2022