



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.489 of 2022

Ayyappan

... Petitioner /A2

Versus

State Rep by
The Inspector of Police,
PEW Madhuranthakam Police Station,
Chengalpattu District.
(Crime No.945 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 in the Crime No.945 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

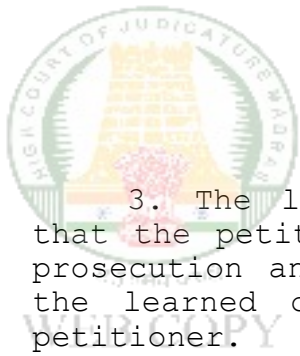
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(a), 4(1-A) of TNP Act (Transporting) in Crime No.945 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 27.10.2021, when the respondent police parties on their regular patrol duty two unidentified persons were illegally selling illicit arrack and arrested (A1) namely Vijayalakshmi and she was in possession of 105 litres of illicit arrack and on further investigation this petitioner (A2) also involved and prepared the illicit arrack. Hence, this case.



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, the learned counsel prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there are totally two accused and the petitioner is A2 in this case and that the petitioner and the other accused (A1) were in possession of 105 litres of illicit arrack. However, the learned counsel 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 directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Cheyyur, 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.10,000/- (Rupees Ten Thousand only) to the credit of the Registered Advocate Clerk Association, Chengalpattu District, 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.



5 THE REGISTERED ADVOCATE,
CLERK ASSOCIATION, CHENGALPET DISTRICT.

WEB COPY

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
SR.NO.584

CRL OP.489/2022

Date :11/01/2022

JPA 20/01/2022