



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.924 of 2022

K.Devaraj

... Petitioner

Versus

State Rep. by:-

The Inspector of Police,
Kottakuppam- PEW, Kottakuppam,
Villupuram District.
(Crime No.357 /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.357 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.G.Balamanikandan

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

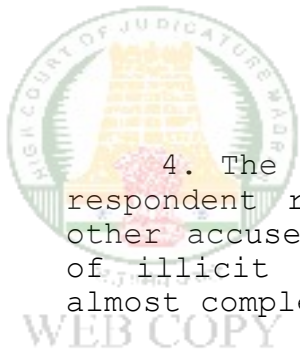
O R D E R

(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) (aaa), 4(1-A), 14A of Tamil Nadu Prohibition Act in Crime No.357 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police officials were engaged on regular checking of vehicle, A1 was found in possession of 684 nos. of liquor bottles and 10 litres of illicit arrack in a car and on enquiry, it was found that the petitioner had asked A1 to buy the same. Hence this case.

3. The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case based on the confession of A1. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent raised objection stating that the petitioner along with other accused transported 684 nos. of liquor bottles and 10 litres of illicit arrack in a car but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and that the fact that the investigation is almost completed, 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, Vanur, 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.30,000/- (Rupees Thirty thousand only) to the credit of Society for the Educational and Economic Development (SEED) Reg., Sriperumbudur, Account Name:SEED, A/c.2926101000002, Canara Bank, Sriperumbudur, IFSC: CNRB0002926, Cell No.9944812053 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 on every Tuesday 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 anticipatory 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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7. With the above directions, the Criminal Original Petition is ordered accordingly.

-sd/-

19/01/2022

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,
VANUR

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
KOTTAKUPPAM-PEW, KOTTAKUPPAM,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE EDUCATIONAL AND ECONOMIC DEVELOPMENT (SEED)
REG., SRIPERUMBUDUR, ACCOUNT NAME:SEED,
A/C.2926101000002, CANARA BANK, SRIPERUMBUDUR,
IFSC: CNRB0002926, CELL NO.9944812053

CC to M/S G.BALAMANIKANDAN Advocate on payment of necessary charges Sr.776

CRL OP.924/2022

Date :19/01/2022

RVR 01/02/2022