



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1592 of 2022

M.Murali

.. Petitioner

Vs.

The State represented by
The Inspector of Police,
Mamallapuram Police Station (PEW),
Chengalpattu District.
(Crime No.983 of 2021)

...Respondent/complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory Bail in the event of his arrest by the respondent police, pending in Crime No.983 of 2021 on the file of the Inspector of Police, Mamallapuram Police Station, Chengalpattu District.

For Petitioner : Mr.P.Karthick

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(aaa), 4 (1-A) of TNP Act r/w 468, 471, 420 of IPC and 7 & 11 of RS rules 2000 (Transporting) , in Crime No.983 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 23.11.2021, when the respondent police was intercepted and founded that the petitioner along with other accused were in illegal possession of 800 packets of rectified spirit and manufactured fake brandy bottles and sold the same to the public. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.25,000/- to



any Charitable Purpose as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that A1 and A2 running the illegal liquor factory, in which, the petitioner was working as a watchman. He further submitted that there were 13 accused involved in this case and some of the co-accused persons were arrested and released on bail and some more accused is yet to be arrested.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.25,000/- for charitable purpose and also the investigation almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned District-Munsif-Cum-Judicial Magistrate Thirukkalukundram, 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 and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Ten thousand only) to the Little Hearts Mentally III Home, Kadapakkam, Kancheepuram, Phone No.9940617712, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier 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 Court concerned 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 on everyday at 10.30 a.m period a four weeks thereafter as and when required for an interrogation;

[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 has 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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

25/01/2022

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 DISTRICT MUNSIFF CUM JUDICIAL MAGISTRATE,
THIRUKKALUKUNDRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MAMALLAPURAM POLICE STATION(PEW),
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE LITTLE HEARTS
MENTALLY III HOME, KADAPAKKAM,
KANCHEEPURAM, PHONE NO.9940617712.

+1CC to M/S. G.ANBARASU Advocate on payment of necessary charges SR.No.1161

CRL OP.1592/2022

Date :25/01/2022

CSK 08/02/2022