



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1013 of 2022

Ganakaraj @ Kanagaraj ... Petitioner

Versus

State Rep by ... Respondent
The Inspector of Police,
PEW Sirkazhi Police Station,
Mayiladuthurai District.
(Crime No.16 of 2022)

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.16 of 2022 on the file of the respondent police.

For Petitioner : Mr.R. Sasikumar

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

ORDER

The petitioner who apprehends arrest for the alleged offence under Section 4(1) (aaa), 4(1 -A) of TNP Act in Crime No.16 of 2022 on the file of the respondent police seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner was alleged to have possession of 250 litres of pondicherry arrack. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit 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 submitted that the petitioner, on his own volition, with prejudice his defence is ready and willing to contribute a sum of Rs.10,000/- to the credit of the Registered Advocate Clerk Association, Puducherry District that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl side) raised objection stating that the petitioner was illegally possessed a 250 litres of Pondicherry arrack.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl side) , 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 lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate , Tharangampadi 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 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;

(b) the petitioner shall report before the respondent police on Tuesday at 10.30 a.m. Until further orders;

(c) the petitioner shall directed to pay a sum of Rs.10,000/- to the credit of Registered Advocate Clerk Association, Puducherry District

(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 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.

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-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,
THARANGAMPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PEW SIRKAZHI POLICE STATION,
MAYILADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED
ADVOCATE CLERK ASSOCIATION, PUDUCHERRY.

+1CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR.No.797

CRL OP.1013/2022

Date :19/01/2022

CSK 25/01/2022