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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2045 of 2022

Kadugu @ Selvakumar ...Petitioner

Versus

The State represented by ...Respondent
The Inspector of Police,
P.E.W. Sirkazhi Police Station,
Mayiladuthurai District.
(Crime No.1292 of 2021)

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 by the respondent police concerned in Crime No.1292 of 2021 on the file of the Inspector of Police, PEW Sirkazhi Police Station, Mayiladuthurai District.

For Petitioner : Mr.M.Vinoth

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(aaa) r/w 4(1-A) of TNP Act in Crime No.1292 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police while conducting vehicle checking near Sankaranpandhal Bus stop, at the time the vehicle came in a rash manner on suspicious the respondent police have stopped the vehicles and found that the petitioner having illegal possession of 110 litres of Pondy Arrack however the petitioner escaped from scene of occurrence. Hence the complaint.

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, he prays for grant of anticipatory bail.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner having illegal possession of 110 litres of Pondy Arrack, 4 previous cases pending against the petitioner. However, he 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 lockdown or the commencement of the Court's normal functioning whichever is earlier, before the ***learned Judicial Magistrate Court, Sirkazhi,*** 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, Mayavaram 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.

[e] the petitioner shall not abscond either during investigation or trial.

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[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.

-sd/-
01/02/2022

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,
SIRKAZHI, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLCE,
P.E.W. SIRKAZHI POLICE STATION,
MAYILADUTHURAI DISTRICT.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
MAYAVARAM DISTRICT.

+1 CC to M/S. M.VINOTH Advocate on payment of necessary charges
SR.NO.1609

CRL OP.2045/2022

Date :01/02/2022

TA-04/02/2022

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