



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2818 of 2022

1 BABU
2 SRITHAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CHEYYUR POLICE STATION,
CHENGALPET DISTRICT.
CRIME NO.396 OF 2021.

[RESPONDENT]

For Petitioner : M/S.P.SURENDRAN, Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 4(1)(aaa), 4(1)(g), 4(1)(b), 4(1-A) of Tamil Nadu Prohibition Act in Crime No.396 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the respondent police and his subordinates were in regular patrol, they found that the petitioners were in illegal possession of 105 litres of ID arrack. Hence the complaint was registered by the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submitted that they have been falsely implicated in this case and they are in no way connected with the alleged occurrence. Hence, he pleads for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that as of now, the investigation is pending. He also submits that the properties which are involved during the alleged occurrence have been recovered and they are in custody of the respondent police.

5. Submissions made by the learned Counsels appearing on either sides are considered.

6. The respondent police registered a case against the petitioners for the offence punishable under Sections 4(1)(aaa), 4(1)(g), 4(1)(b), 4(1-A) of Tamil Nadu Prohibition Act. Admittedly, the properties which are required for completing the investigation have already been recovered by the respondent police.

7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioner, this Court came to the conclusion that for the completion of investigation, custodial interrogation of the petitioners may not be necessary in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate, Cheyyur, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners and the sureties shall affix his 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 petitioners shall report before the respondent police daily at 10.00 a.m., until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;



(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

14/02/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, CHEYYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CHEYYUR POLICE STATION,
CHENGALPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.BHAGIRADHAN Advocate on payment of necessary charges SR.NO.2413

CRL OP.2818/2022

Date :14/02/2022

RW 17/02/2022