



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Eleventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.3336 of 2022

DURAI

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
INSPECTOR OF POLICE,
TIRUVENNAINALLUR POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO.703/2021

[RESPONDENT]

For Petitioner : M/S.R.RAJI Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 4(1-A) and 4(1) (aaa) of TN Prohibition Act in Crime No.703 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 03.09.2021 at about 11.00 hrs., on regular ride the respondent police intercepted three persons. Though two persons escaped from the scene of occurrence, the first accused was found with 120 litres of illicit arrack and he was arrested. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for Anticipatory Bail to the petitioner.

4. Mr.S.Santhosh, Government Advocate (CrI.Side) appearing for the respondent police raised objection stating that investigation is pending. However, he admits the property which are all required for completing the investigation are all recovered through the other accused involved in this case.



5. The submissions made by the learned counsel on either side are considered.

6. The respondent police registered a case against the petitioner and two others for the offences punishable under Sections 4(1-A) and 4(1) (aaa) of TN Prohibition Act and as of now, the property which are all required for completing the investigation are all recovered through the other accused involved in this case. Hence, taking note of all the above said aspects into consideration, this Court came to conclusion that the custodial interrogation may not be necessary for completing investigation in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ulundurpet on condition that the petitioner 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 petitioner 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 petitioner shall report before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter, as and when required for investigation.

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

(d) the petitioner 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 petitioner in accordance with law as if the conditions have 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;



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

-sd/-

11/02/2022

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,
NO.II, ULUNDURPET

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
TIRUVENNAINALLUR POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.SARAVANAKUMAR Advocate on payment of necessary charges

CRL OP.3336/2022

Date :11/02/2022

RVR 16/02/2022