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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Tenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3217 of 2022

1 SUDHAKAR [PETITIONERS / ACCUSED]
2 ANBU

Vs

THE STATE REP BY [RESPONDENT]
THE STATION HOUSE OFFICER,
SIRUPAKKAM POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.13 OF 2022

For Petitioners : E.KANNADASAN Advocate

For Respondent : MR.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)(a) 4(1-A) of Tamil Nadu Prohibition Act in Crime No.13 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police along with his subordinates are in regular patrol, they found that the petitioners were found in illegal transportation of 7½ litres of ID arrack and 27 brandy bottles (each containing 180 ml). Hence the complaint was registered by the Law Enforcing Agency.

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 submit that they have been falsely implicated in this case. Hence, he pleads for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the petitioners are having three previous cases similar in nature and as of now investigation in this case is not completed. Further, the properties which are used in the commission of offence have been recovered and now the said is in the custody of the respondent police.

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

6. The respondent police registered a case against the petitioners for the offence punishable under sections 4(1)(a) 4(1-A) of Tamil Nadu Prohibition Act. As of now, the properties which are required for completing the investigation have been recovered. Hence, custodial interrogation may not be necessary in this case. Though, the petitioners are having three previous cases, now the quantity of contraband possessed by the petitioner is very meagre. The same would not be a ground for rejecting this application.

7.Taking all the above aspects into consideration, this Court is inclined to grant bail to the petitioners.

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 J.M., No.I, Viruthachalam on condition that 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 petitioner in accordance with law as if the conditions have been

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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/-
10/02/2022

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.I, VIRUTHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE STATION HOUSE OFFICER,
SIRUPAKKAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to E.KANNADASAN Advocate on payment of necessary charges
SR.NO.2255

CRL OP.3217/2022

Date :10/02/2022

JPA 17/02/2022

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