



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3436 of 2022

CAVIARASSANE @ KAVI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE STATION HOUSE OFFICER,
PE WING-CUDDALORE,
CUDDALORE.
CRIME NO. 401/2022

[RESPONDENT]

For Petitioner : M/S.M.VELMURUGAN, Advocate for
M/S. M.GOVINDARAJU 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 petitioner, who apprehends arrest for the alleged offences under sections 484, 465, 468, 471, 420 IPC r/w 4(1) (aaa) 14-A TNP Act in Crime No.401 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused were involved in illegal manufacturing of liquor and transported the same(2160 brandy bottles) with the bogus label. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that based on the confession statement given by the co-accused, the respondent police



attempted to secure the petitioner. In otherwise, the petitioner has not committed any offence. Accordingly, he pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the investigation is pending. However, he admits that, the petitioner herein was arrayed as 2nd accused based on the confession statement given by the 1st accused.

5. Considered the submissions made by the learned Counsel appearing on either sides.

6. The respondent police registered the case as against the petitioner for the offences punishable under sections 484, 465, 468, 471, 420 IPC r/w 4(1) (aaa) 14-A TNP Act. The averments found in the FIR would disclose the fact that during the relevant point of time, the petitioner's father without any license, after manufacturing the liquor, stored it in the bottle with bogus labels and transported the same with the help of A-1. Now, on going through the confession statement given by A1, he has not said anything about the details of the manufacturing and affixing of labels. However, as of now, the property which was transported and alleged to be possessed by the petitioner was recovered and therefore custodial interrogation may not be necessary for completing the investigation.

7. Taking note of all the above said aspects into consideration and the nature of offence committed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

8. 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 -III, Cuddalore 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.



(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 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;

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

-sd/-

23/02/2022

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.III, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
PE WING-CUDDALORE,
CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.GOVINDARAJU Advocate on payment of necessary charges SR.NO. 2813

CRL OP.3436/2022

Date :23/02/2022

RW 28/02/2022