



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Second day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4045 of 2022

1 GOVINDHAN @ GOVINDARAJ

[PETITIONERS / ACCUSED]

2 DHANUSH @ ELAVARASAN

Vs

THE STATE REP BY ITS

[RESPONDENT]

THE INSPECTOR OF POLICE,

METTUR PROHIBITION ENFORCEMENT WING POLICE STATION,

SALEM DISTRICT.

(CRIME NO.409 OF 2021)

For Petitioner : M/S.C.DEEPAK KUMAR Advocate

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

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Section **4(1-A) of Tamil Nadu Prohibition Act, 1937** in Crime No.409 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the respondent police on routine ride, they found that the petitioners and other accused were in illegal possession of 20 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 an innocent persons and they have not committed any such offences as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in this case and they are 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 in the alleged occurrence have been recovered and they are in custody of the respondent police and one previous case is against the petitioners.

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-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 petitioners, 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 **Judicial Magistrate No.I, Mettur**, 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., for a period of thirty (30) days and thereafter as and when required for interrogation.

(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/-
22/02/2022

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, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
METTUR PROHIBITION ENFORCEMENT WING POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary charges SR.NO.2777

CRL OP.4045/2022

Date :22/02/2022

TA-25/02/2022