



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.5852 of 2022

VENKATESAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ARAKANDANALLUR POLICE STATION,
VILLUPURAM DISTRICT.
(CR.NO.56 OF 2022)

[RESPONDENT]

For Petitioner : M/S.D.HARIKRISHNAN Advocate

For Respondent : MR.LEONARD ARUL JOSEPH SELVAM,
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 4(1)(a), 4(1-A) of TNP Act in Crime No.56 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that during the relevant point of time, the petitioner along with other accused found in illegal possession of 10 litres of ID Arrack. Hence the complaint was registered by the Law Enforcing Agency.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner along with other accused were found in illegal possession of 10 litres of ID Arrack. Hence, he opposed to grant anticipatory bail to the petitioner.



5. Submissions made by learned counsel on either side are considered.

6. The respondent police registered a case against the petitioner for the offence punishable under Sections 4(1)(a), 4(1-A) of TNP Act, In respect of bad antecedents of the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondent police reports that the petitioner is having 7 previous cases, the same shall reads as follows:-

(i) Cr.No.339 of 2015, under Section 4(1)(a), 4(1-A)

(ii) Cr.No.616 of 2012, under Section 4(1)(a), 4(1-A)

(iii) Cr.No.172 of 2015, under Section 147, 148, 294(b) 323, 324, 506(2)

(iv) Cr.No.266 of 2012, under Section 20(b)(ii)(B) NDPS

(v) Cr.No.131 of 2009, under Section 4(1)(a), 4(1-A)

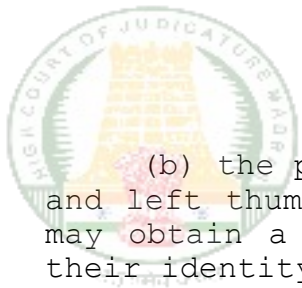
(vi) Cr.No.130 of 2009, under Section 4(1)(a), 4(1-A)

(vii) Cr.No.130 of 2009, under Section 4(1)(a), 4(1-A)

7. In respect to previous cases pending against the petitioner, those cases are registered in the year 2009, 2012 and 2015. In otherwise, the petitioner is not having any bad antecedents for the past seven years. Further, as of now, material object which are all necessary for proving the offence as against the petitioner, was recovered. Therefore, for completing the investigation, question of custodial interrogation may not be necessary. Hence, 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 at Tirukoilur, Kallakurichi District 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



(b) the petitioner and the sureties shall affix their 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;

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(c) the petitioner shall report before the Inspector of Police, Cuddalore Town Police Station, Cuddalore daily at 10.00 a.m., until further orders.

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-

24/03/2022

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,
TIRUKOILUR, KALLAKURICHI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ARAKANDANALLUR POLICE STATION,
VILLUPURAM DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
CUDDALORE TOWN POLICE STATION,
CUDDALORE.

+1CC to M/S.D.HARIKRISHNAN Advocate on payment of necessary
charges SR.No.4490

CRL OP.5852/2022

Date :24/03/2022

CSK 30/03/2022