



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5938 of 2022

RAMESH

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KELAMANGALAM POLICE STATION,
CRIME NO.60 OF 2022.

[RESPONDENT]

For Petitioner : M/S.R.THIRUMOORTHY 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 apprehends arrest by the respondent police for the offences punishable under Sections 4(1)(a) r/w 4(1-A) of Tamilnadu Prohibition Act, in Crime No.60 of 2022, is before this Court seeking anticipatory bail.

2. The petitioner herein is an habitual offender under the Prohibition Act. On 05.03.2022, when the respondent went to the spot on receiving specific information, one Vijay and this petitioner were there and on seeing the raiding team, the petitioner fled from the scene of occurrence. The police apprehended the said Vijay and seized 15 honey day brandy bottle each containing 180 ml., out of which two bottles seal were opened and emanated poisonous odour . On enquiry, the said Vijay informed the police that he added Datura leaves for more intoxication. Therefore, the samples were drawn and sent for laboratory. The said Vijay was arrested and the case was registered against the said Vijay and Ramesh i.e., the petitioner herein, showing Ramesh as an absconding accused for the offences under Section 4(1)(a) r/w 4(1-A) of Tamilnadu Prohibition Act.



3. The petitioner herein states that he was not present at the scene of occurrence and he has been wrongly implicated.

4. The learned Government Advocate (Crl. Side) states that the petitioner is an habitual offender and he has ten previous cases similar in nature.

5. Considering the quantity of the liquor seized, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Denkanikottai, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only), with two sureties, each for a like sum to the satisfaction of the learned Magistrate, failing which, the anticipatory bail shall stand cancelled automatically without any reference to this Court and on further condition that:

(a) 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;

(b) the petitioner shall stay at Karur and report before the Inspector of Police, Karur Town Police Station, daily at 10.00 am., until further orders.

(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.

WEB COPY

-sd/-

15/03/2022

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,
DENKANIKOTTAI, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KELAMANGALAM POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.5938/2022

Date :15/03/2022

RW 23/03/2022