



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirty First day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7493 of 2022

MANIKANDAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE STATION HOUSE OFFICER,
PEW, TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT.
CRIME NO.955 OF 2021.

[RESPONDENT]

For Petitioner : M/S. D.PADMANABHAN Advocate

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

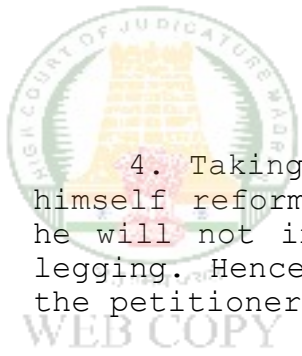
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 4(1) (aaa) r/w 4 (1-A) (ii) of Tamil Nadu Prohibition Act in Crime No.955 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner apprehending arrest in a case registered on 08.08.2021 for the recovery of 110 litres of ID arrack, the petitioner is before this Court seeking anticipatory bail.

3. Considering the fact that petitioner alleged to have been fledged from the sight of the police and till date could not be secured and considering the representation of the learned counsel for the petitioner that the residents of the petitioner's village had taken a oath before the District Collector and the Superintendent of Police that they will not indulge in distilling ID arrack in their village and now reformed that the petitioner may be granted bail in event of arrest.



4. Taking the note of the fact that the petitioner wants to get himself reformed and has promised before the District Authority that he will not indulge in distilling illicit arrack business and boot legging. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thandarampattu, 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 learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 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;

(c) the petitioner shall report before the respondent police as and when required for an interrogation;

(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 is 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.

WEB COPY

-sd/-
31/03/2022

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,
THANDARAMPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
PEW, TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. D.PADMANABHAN Advocate on payment of necessary charges SR.NO.4983

CRL OP.7493/2022

Date :31/03/2022

JPA 05/04/2022