



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7082 of 2022

S.BOSE

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING,
FLOWER BAZAAR UNIT,
SEVEN WELLS, CHENNAI-600 001.
CRIME NO.198/2014.

[RESPONDENT]

For Petitioner : M/S.C.M.SEETHARAMAN Advocate

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

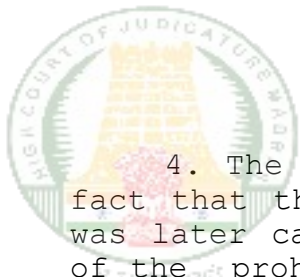
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences **under Sections 4(1)(a) r/w. 4(1-A) of Tamil Nadu Prohibition Act, 1937** in Crime No.198 of 2014, on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3. The petitioner is an absconding accused in Crime No.198 of 2014, registered by the respondent police for the offence under Section 4(1)(a) r/w. 4(1-A) of Tamil Nadu Prohibition Act, 1937. According to the prosecution, the petitioner herein, on seeing the raiding party, abandoned foreign liquor bottles and fled from the scene of occurrence, till date not traceable and he is having 13 previous cases and at one point of time he was detained under Goondas Act 14 of 1982.



4. The learned counsel for the petitioner has admitted the said fact that this petitioner was detained under the Goondas Act, which was later came to quashed and thereafter he was not involved in any of the prohibition offences and the present case is a down case, in which the petitioner is not aware of the pendency of the case. He would further submit that the petitioner is ready to abide any condition imposed by this Court.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police states that investigation is completed and final report is yet to be taken on file.

6. Considering the facts and circumstances of the case, this Court is of the view that the petitioner may be granted anticipatory bail, subject to certain conditions.

7. 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 **VII Metropolitan Magistrate Court, George Town Court, Chennai**, 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 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 VII Metropolitan Magistrate Court, George Town, Chennai, daily at 10.30 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/-

30/03/2022

WEB COPY

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 METROPOLITAN MAGISTRATE,
NO.VII, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING,
FLOWER BAZAAR UNIT,
SEVEN WELLS, CHENNAI 600001.

+1 CC to M/S.C.M.SEETHARAMAN Advocate on payment of necessary charges SR.NO.4877

CRL OP.7082/2022

Date :30/03/2022

TA-04/04/2022