



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Ninth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7203 of 2022

1 MADHAIYAN
2 GOVINDHAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
YERCAUD POLICE STATION,
SALEM DISTRICT
(CR.NO. 14/2022)

[RESPONDENT]

For Petitioner : M/S. GOUTHAMA BOOBALAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 4 (1) (a), (g), 4(1-A) of Tamil Nadu Prohibition Act 1937 in Crime No.14 of 2022, on the file of the respondent police, seek anticipatory bail.

2.40 liters of I.D arrack is alleged to have been found at the backyard of the petitioners' house, thereby, a case has been registered against these petitioners and yet another person.

3.Learned counsel for the petitioners states that the petitioners have nothing to do with the alleged recovery leading to the registration of F.I.R.

4.Learned Government Advocate (Crl. Side) submitted that the contraband was recovered from the backyard of the petitioners' house thereby the role of the petitioners is suspected. However, he states there is no previous case of similar nature pending against these petitioners.



5. Considering the aforesaid submissions, this Court is of the view that the petitioners may be released on bail in the event of arrest on the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.5, Salem on condition that the petitioners shall execute a bond each for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, 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 petitioners 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 petitioners 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 petitioners shall report before the Investigating Officer as and when required for interrogation;

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

(e) the petitioners 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 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;



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

WEB COPY

-sd/-
29/03/2022

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,
NO.5, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
YERCAUD POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S. GOUTHAMA BOOBALAN Advocate on payment of necessary charges SR.No.4715

CRL OP.7203/2022

Date :29/03/2022

CSK 04/04/2022