



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7439 of 2022

MOHAN @ CHINA MOHAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KONDALAMPATTI POLICE STATION,
SALEM DISTRICT.
CRIME NO.89 OF 2022.

[RESPONDENT]

For Petitioner : M/S.C.PRABAKARAN 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 offence **under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act**, in Crime No.89 of 2022, 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 herein is an absconding accused in connection with seizure of 15 bottles of brandy. As per the prosecution, the petitioner herein was illegally transporting brandy bottle in his two wheeler bearing Reg.No. TN 90 F 9772 and on seeing the respondent Police, he has abandoned the vehicle and ran away.

4. On an earlier occasion, this Court dismissed the petitioner's anticipatory bail petition on 28.02.2022 observing that chemical analysis report is awaited to ascertain any poisonous matter is added for more intoxication.



5. Taking note of the fact that till date the respondent Police has not obtained the analysis report, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 Court No.V, Salem** on condition that the petitioner shall execute separate bond for a sum of Rs.25,000/- each (Rupees Twenty Five Thousand Only), with two sureties 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 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the **Investigating Officer 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/-
04/04/2022

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.



1 THE JUDICIAL MAGISTRATE,
NO.V, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KONDALAMPATTI POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.C.PRABAKARAN Advocate on payment of necessary
charges SR.NO.5079

CRL OP.7439/2022

Date :04/04/2022

TA-08/04/2022