



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8981 of 2022

KUMAR

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING,
MADURANTAKAM,
KANCHEEPURAM DISTRICT.
IN CRIME NO.143 OF 2022

[RESPONDENT]

For Petitioner : M/S.N.SRIDHAR Advocate

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

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

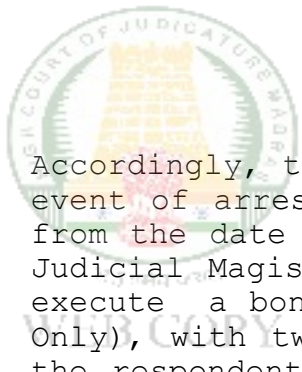
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 4 (1) (aa) & 4(1-A) of TN Prohibition Act, in Crime No.143 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein is the owner of the Auto, in which, he has transported illegally 70 litres of I.D. arrack, on seeing the riding party, he has abandoned the contraband and the Auto and now he seeks anticipatory bail on the ground that he is innocent and he has nothing to do with the alleged contraband.

3. The learned Government Advocate (crl.side) states that the petitioner being the owner-cum-driver of the Auto knowing well that transport of I.D. arrack is illegal and had engaged in the vehicle.

4. Considering the fact that this petitioner has no previous antecedents of the similar crime, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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, Cheyyur 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) 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 Investigating Officer twice daily at 10.30 a.m. and 5.30 p.m., for 30 days and thereafter as and when required till the completion of the investigation;

(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 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.

-sd/-
20/04/2022

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.



TO

1 THE JUDICIAL MAGISTRATE,
CHEYYUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING,
MADURANTAKAM,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.SRIDHAR Advocate on payment of necessary charges
SR.NO.6133

CRL OP.8981/2022

Date :20/04/2022

JPA 26/04/2022