



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirteenth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8620 of 2022

KANDHASAMY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PEW-THIRUVALLUR POLICE STATION,
THIRUVALLUR.
(CR.NO.93 OF 2022)

[RESPONDENT]

For Petitioner : M/S.R.RAFI BABU Advocate

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

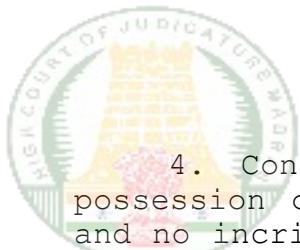
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 Sections 4 (i)(a) and 24 of Tamil Nadu Prohibition Act, in Crime No.93 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein is the owner of the premises, where A1 running a shop. In the said shop, it is alleged that the respondent has recovered 10 bottles of MONITER BRANDY each containing 180 ml and 2 bottles of KINGFISHER BEER each containing 650 ml. Based on the confession of A1, who has implicated this petitioner as one of the partners in the business, the police has added this petitioner.

3. The learned counsel for the petitioner submits that the petitioner is the owner of the building, in which, one portion is let out to TASMAL and the other portion is let out to A1 for rent and he is not a partner of the illegal business of A1.



4. Considering the fact that nothing is recovered from the possession of this petitioner except the confession statement of A1 and no incriminating materials against this petitioner, 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 Court-II, Thiruvallur**, 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 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 as and when required for 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 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/-

13/04/2022

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 JUDICIAL MAGISTRATE,
NO.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PEW-THIRUVALLUR POLICE STATION,
THIRUVALLUR.

+1 CC to M/S.R.RAFI BABU Advocate on payment of necessary
charges SR.NO.5642

CRL OP.8620/2022

Date :13/04/2022

TA-20/04/2022