



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eleventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8362 of 2022

SAKTHI @ SAKTHIVEL

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING,
KRISHNAGIRI DISTRICT.
CR.NO.227 OF 2022.

[RESPONDENT]

For Petitioner : M/S. M.JAYACHANDRAN 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)(g), 4(1)(b), 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act**, in Crime No.227 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. This petitioner apprehends arrest by the respondent police based on the complaint given by the Inspector of Police attached to PEW. The FIR indicates that the raiding team has found that the petitioner is in possession of illegal distillation of two litres of arrack in a plastic can. The petitioner herein is suspected to be the person who was involved in the illegal distillation of arrack which was banned by the Government of Tamilnadu.

3. The learned Government Advocate (Crl.Side) submits that there was no bad antecedents on the petitioner. However, he opposed for the grant of anticipatory bail to the petitioner.



4. Taking note of the above fact, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

5. Accordingly, the petitioner is 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.I, Krishnagiri**, on condition that the petitioners 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 respondent police daily at 10.30 a.m. until further orders;**

(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.

WEB COPY

-sd/-
11/04/2022

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,
NO.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING,
KRISHNAGIRI DISTRICT.

+1 CC to M/S. M.JAYACHANDRAN Advocate on payment of necessary charges SR.NO.5494

CRL OP.8362/2022

Date :11/04/2022

TA-20/04/2022