



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.8900 of 2022

UDAYARASU

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
GENGAVALI POLICE STATION,
SALEM DISTRICT,
SALEM.
(CRIME NO.191 OF 2021)

[RESPONDENT]

For Petitioner : M/S. V.S.ILANGO 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) (aaa) of TN Prohibition Act, in Crime No.191 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is an absconding accused in a case, where the respondent had recovered 110 litres of I.D. arrack on 15.07.2021. A two-wheeler with tampered engine number was also recovered from the scene of occurrence.

3. The learned Government Advocate (crl.side) states that the petitioner on seeing the riding party abandoned the vehicle as well as the I.D. arrack and fled. On the enquiry conducted at the spot, the identity of the petitioner was ascertained. The petitioner is having one previous case of similar nature. Hence opposed for granting anticipatory bail.



4. This Court on considering the fact that the occurrence had taken place on 15.07.2021, till date the police could not secure this petitioner and considering that the petitioner has given an undertaking that he is ready and willing to cooperate with the investigation, 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 - II, Athur 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., 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/-
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,
NO.II, ATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
GENGAVALLI POLICE STATION,
SALEM DISTRICT, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. V.S.ILANGO Advocate on payment of necessary charges SR.NO.5923

CRL OP.8900/2022

Date :20/04/2022

JPA 25/04/2022