



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.8614 of 2022

GOBI

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
GENGAVALLI POLICE STATION,
SALEM DISTRICT, SALEM,
CRIME NO.172 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.172 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 23.06.2021, the patrol party of PEW during the patrol found a person fleeing on seeing the patrol party and in the spot they found seven lorry tubes each containing 20 litres of I.D. arrack. Subsequent investigation has revealed that the petitioner herein is the person, who was in possession of illicit arrack and fled from the scene of occurrence.

3. The learned Government Advocate (crl.side) states that the petitioner on seeing the riding team had ran away from the scene of crime abandoning illicit arrack.

4. Whereas the learned counsel for the petitioner states that the petitioner is an innocent person and he has nothing to do with the alleged seizure and the petitioner has no bad antecedents.



5. Considering the facts and circumstances of the case, 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 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.

-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.5922

CRL OP.8614/2022

Date :20/04/2022

JPA 26/04/2022