



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12276 of 2022

SIVA @ SIVAKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PROBHITION ENFORCEMENT WING VELLORE,
VELLORE DISTRICT.
(CRIME NO. 198 OF 2021)

[RESPONDENT]

For Petitioner : M/S. G.VINODH KUMAR Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

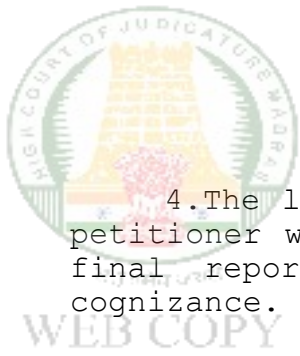
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1) (aa), 4(1-A), ii TNP Act and 468, 471, 420 of IPC in Crime No.198 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is the Inspector of Police, Vellore District, lodged a complaint before the respondent police against the petitioner and 4 others alleging that A1 was in illegal possession of huge quantity of liquor bottles.

3. The learned counsel for the petitioner would submit that the petitioner is a innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted as against the petitioner. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner was arrayed as A5. The investigation was completed and a final report has also been filed and it is yet to be taken cognizance.

5. Considering the above fact and circumstances of the case, this Court is of the view that custodial interrogation is not required in this case since the investigation was already completed and also a final report has been filed. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate I, Vellore, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] The petitioner shall deposit a sum of Rs.10,000/- in favour of the Cancer Institute, Kancheepuram within a period of two weeks.

(b) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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. for a period of two weeks and thereafter 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 petitioners 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].



[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
19/05/2022

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, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING
VELLORE, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
CANCER INSTITUTE, KANCHEEPURAM.

+1 CC to M/S. G.VINODH KUMAR Advocate on payment of necessary charges SR.NO. 7494

CRL OP.12276/2022

Date :19/05/2022

RW-27/05/2022