



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.12835 of 2022

R.KRISHNARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
NAGAPATTINAM.
CRIME NO.647 OF 2022

[RESPONDENT]

For Petitioner : M/S.A.VINOTH KUMAR, Advocate for
M/S.U.KARTHIRAVAN, Advocate

For Respondent : MR.A.GOKULAKRISHNAN, Additional public Prosecutor
Assistant by M/S.J.R.ARCHANA, Advocate

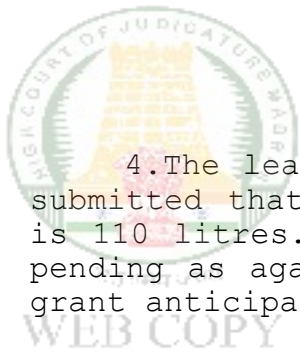
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable u/s. 4(1) (aaa) Tamil Nadu Prohibition Act in Crime No.647 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein is A3, he along with other accused had illegally transported 110 litres of illicit arrack without any proper permit. Hence, the complaint came to be registered as against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this offence. On instructions, he would further submit that the petitioner without prejudice to his contentions, is ready and willing to pay a sum of Rs.10,000/- to any public organisation. He has also made an endorsement to that effect and prays for grant of anticipatory bail to the petitioner.



4.The learned Additional Prosecutor appearing for the respondent submitted that the quantity of illicit liquor involved in this case is 110 litres. He further submitted that there is no previous case pending as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned counsel, the antecedents of the petitioner and also taking note of the fact that the petitioner has come forward to pay a sum of of Rs.10,000/- to any public organisation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of Research and Development Wing (Siddha), Indian Medicine and Homeopathy Department, Arumbakkam, Chennai - 600 106, in Canara Bank, Anna Nagar East Branch, Chennai, (Account No.0974101556378, IFSC Code: CNRB0000974), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Magistrate. The amount paid by the petitioner shall be utilized by the said Department for research activities in Siddha Medicine.

7.On production of the receipt or acknowledgement for such payment, the petitioner is ordered to be released on bail in the event of his 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 No.1, Nagapattinam. 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a]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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.



[e]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].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

01/06/2022

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, NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE RESEARCH AND DEVELOPMENT
WING (SIDDHA), INDIAN MEDICINE AND
HOMEOPATHY DEPARTMENT, ARUMBAKKAM, CHENNAI -
600 106, IN CANARA BANK, ANNA NAGAR EAST
BRANCH, CHENNAI, (ACCOUNT NO.0974101556378,
IFSC CODE: CNRB0000974)

+1 CC to M/S.U.KARTHIRAVAN Advocate on payment of necessary charges SR.NO.8249

CRL OP.12835/2022

Date :01/06/2022

JPA 03/06/2022