



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14553 of 2022

KARTHI @ DHAYANANDHARAJ

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY
INSPECTOR OF POLICE,
P.E.W. MADHAVARAM POLICE STATION,
CHENNAI.
(CRIME NO.56 OF 2022)

[RESPONDENT]

For Petitioner : M/S.R.PARTHIBAN Advocate

For Respondent : MR.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 alleged offences punishable under Sections 4(1)(a), 4(1) (i) of T.N.P.Act r/w 24 of TNP Act in Crime No. 56 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the the respondent police while conducting check up in Lift gate TASMACH shop, at that time, two persons have sitting nearby shop and selling brandy bottles to the public. Subsequently, the respondent police arrested the accused and seized 127 brandy bottles. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there are totally 4 accused involved in this case. The petitioner is arrayed as A2 and he is a supervisor in the TASMAL. A1 and A3 were already arrested. He would further submit that there is no previous case pending against him. Hence, 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 counsels, 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 is made ready, before the learned Judicial Magistrate, Thiruvottriyur, on condition that the petitioner shall execute a 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 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks, thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with 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 229A IPC.

-sd/-
24/06/2022

WEB COPY

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,
THIRUVOTTRIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
P.E.W. MADHAVARAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.PARTHIBAN Advocate on payment of necessary charges SR.NO.10000

CRL OP.14553/2022

Date :24/06/2022

JPA 29/06/2022