



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25506 of 2021

1. Ganesh
2. Suresh @ Vella Suresh

... Petitioners

Vs

The State represented by
The Inspector of Police,
PEW-Kottakuppam Police Station,
Villupuram,
Tamilnadu.
(Cr.No. 474/2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.474 of 2021 pending on the file of the respondent Police namely PEW-Kottakuppam Police Station, Villupuram, Tamilnadu.

For Petitioners : Mr.E.Anbarasan

For Respondent : Mr.N.S,Suganthan
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 4 (1)(aaa), 4(1-A), 14A of Tamilnadu Prohibition Act, in Crime No. 474 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 28.10.2021, when the respondent police officials were conducting vehicle check up at Kilianur Check Post, one Vinothkumar was found transporting 63 Boxes of Pondicherry liquor without any valid license by using TATA Super Ace bearing Regn.No.TN72 AT 0676 and 15 litres of illicit arrack was also found in the vehicle. Subsequently, the said Vinothkumar was arrested and based on his confession, the petitioners and another accused were implicated. Hence, the complaint.



3. The learned counsel appearing for the petitioners/A2 and A3 submitted that the petitioners/A2 and A3 are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case based on the confession of A1. He would further submit that A1 has been released on bail by the Court below and this is the second application for anticipatory bail and the earlier application was dismissed by this Court in Crl.O.P.No.22198 of 2021 by order dated 29.11.2021 and that the petitioners are ready and willing to contribute a sum of Rs.10,000/- each to any charitable institution as may be directed by this Court and would pray for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the accused illegally transported 3,024 bottles of Pondicherry liquor in 63 boxes and 15 litres of illicit arrack and that there is one previous case against the 1st petitioner/A2 for the offence under Section 302 IPC.

5. Considering the facts and circumstances of the case and the fact that A1 has been released on bail by the Court below, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Vanur, Tamil Nadu, on condition that the petitioners shall execute separate bonds 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 petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each, to the credit of the Registered Advocate Clerk Association, Puducherry, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below.

[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 petitioners are directed to report before the respondent police on every Wednesday and Saturday at 10.30 a.m., until further orders.

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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
04/01/2022

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,
VANUR, TAMIL NADU.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PEW-KOTTAKUPPAM POLICE STATION,
VILLUPURAM, TAMILNADU.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE REGISTERED ADVOCATE,
CLERK ASSOCIATION, PUDUCHERRY.

+1 CC to M/S. E.ANBARASAN Advocate on payment of necessary
charges SR.NO.210

CRL OP.25506/2021

Date :04/01/2022

JPA 07/01/2022