



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.25655 of 2021

Settu

.. Petitioner

Vs.

State rep. by
The Inspector of Police
PEW Kancheepuram Police Station,
Kancheepuram District.
(Crime No.1138 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest pending investigation in PEW Kancheepuram Police Station in Cr.No.1138 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.U.Yuvaraj

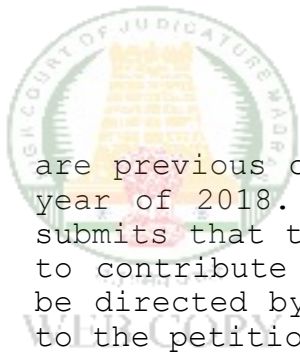
For Respondent : Mr.N.S.Suganthan,
Government Advocate (CrI.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1) (aaa) r/w 4(1)(A) of TNP Act in Crime No.1138 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 13.12.2021, when the respondent police were on the regular patrol duty, they intercepted a car under suspicion, they found that the petitioner along with other accused were in illegal possession of 912 Pondy brandy bottles and also found that 10 bottles without label and two co-accused were arrested and the entire property were seized along with the said car. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that there



are previous cases pending as against the petitioner and it is in the year of 2018. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.25,000/- to any Charitable Purpose as may be directed by this Court and he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that the petitioner along with other accused were in illegal possession of 912 Pondy brandy bottles and also found that 10 bottles without label and two accused were arrested and the entire property were seized along with the said car. He further submits that the investigation was almost completed. He further submits the petitioner is a History Sheeter, " B" Category and he is having 5 previous cases against him.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and the investigation was almost completed and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.25,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the *learned Judicial Magistrate, Sriperumpudur* 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 and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) to the Registered Advocate Clerks Association, Kanchipuram, Kanchipuram District 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 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 respondent police on every Monday and Thursday at 10.30 a.m., for a period of four weeks and thereafter as and when required for an 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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/-
07/01/2022

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PEW KANCHEEPURAM POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE REGISTERED
ADVOCATE CLERK ASSOCIATION, KANCHIPURAM,
KANCHIPURAM DISTRICT.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S B.RAMESH BABU Advocate on payment of necessary
charges SR.No.394

CRL OP.25655/2021

Date :07/01/2022

CSK 20/01/2022