



Crl.O.P.No.27239 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa) r/w 4(1-A)(ii) of TNP Act r/w Sections 6 and 7 of TNRS Rules 2000 (Transporting) in Crime No.1004 of 2019, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant/Poongodi who is the Sub Inspector of Police, PEW-Polur Police Station is that on 09.11.2019, when she along with her team was conducting routine vehicle checkup at Polur to Chetpet Road, they stopped the Eicher Van. The driver attempted to escape leaving the vehicle. Upon enquiry, it was found that the driver name is Sathyanarayana Moorthy, who claimed to have driven the vehicle on the instructions of one Manojkumar and on search of the Eicher Van, 105 litres of illicit arrack was found. Hence the complaint.



Crl.O.P.No.27239 of 2022

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3.The learned counsel for the petitioner would submit that the name of the petitioner is Mano @ Manoharan, S/o Samidurai and he has got few cases registered under the Prohibition Act by PEW wings in Chennai and Villupuram District and in all those cases, the petitioner has been either granted bail or anticipatory bail. Now the respondent, taking advantage of the fact that the arrested accused confessed the name of one Manojkumar, is attempting to link the petitioner in this case. This case has been registered during the year 2019 and the respondent is unable to fix the petitioner in this case. He would submit that without prejudice, the petitioner is prepared to make a deposit a sum of Rs.50,000/- as non-refundable deposit to any welfare scheme of the Government or to any shelter home and hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that as per the FIR, the arrested accused confessed that he was instructed by one Manojkumar and the petitioner who is also called as Manojkumar @ Manoharan has been implicated. He would further submit that there are several cases pending as against him.



Crl.O.P.No.27239 of 2022

WEB COPY

Thereby, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel as well as the learned Government Advocate (crl.side) and perused the entire materials available on record including the First Information Report.

6.As per the FIR, the name of A1 is Manojkumar but his father's name is not mentioned. It is the submission of the learned counsel for the petitioner that the petitioner's name is Mano @ Manoharan, S/o Samidurai and he has got some previous cases and taking advantage of the same, the respondent being unable to fix the said Manojkumar, is now attempting to fix the petitioner in this case. The present case has been registered during the year 2019. Taking into consideration the facts and submissions and voluntary undertaking given by the petitioner to deposit a sum of Rs.50,000/-, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.27239 of 2022

WEB COPY

7. Accordingly, the petitioner shall make a non refundable deposit of **Rs.50,000/- (Rupees Fifty Thousand only)** by way of Demand Draft/RTGS/NEFT to the "Rehoboth - Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai - Punjab National Bank, Moulivakkam Branch Account No. 05812010015060, IFSC Code : PUNB0058110, MICR Code : 600024081" and on such deposit and on receipt of proof of payment, 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, Polur 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 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



WEB COPY



Crl.O.P.No.27239 of 2022

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 stay at Nagapattinam and report before the Inspector of Police, PEW Nagapattinam Police Station daily at 10.30 a.m., for a period of two weeks and 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;



WEB COPY
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Crl.O.P.No.27239 of 2022

16.11.2022

A.D.JAGADISH CHANDIRA, J.

vkr

Page 6 of 7



WEB COPY



Crl.O.P.No.27239 of 2022

Crl.O.P.No.27239 of 2022

16.11.2022