

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

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

Crl.OP.No.9667 of 2021

G.Babu

... Petitioner

Vs.

State rep. by

The Inspector of Police
Walajapet Police Station,
Vellore.

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to grant anticipatory bail to the petitioner in the event of
his arrest in Crime No.174 of 2021 pending on the file of the
respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Damodaran
Government Advocate (Crl.Side)

O R D E R

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
4(1)(a), 4(1-A) (ii) of Tamil Nadu Prohibition Act, in Crime No.174
of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner is the
owner of the bar and after closing the bar time, the petitioner was
selling the brandy bottles to the customers. The respondent police
seized 10 Nos. of Brandy bottles (each bottle containing 180 ml) from
the petitioner.

3. The learned counsel appearing for the petitioner submitted
that a false case has been foisted against this petitioner and he
has nothing to do with the alleged offence.

4. The learned Government Advocate (Crl.Side) submitted that
there is no previous case pending against this petitioner.

5. Taking into consideration of the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsif cum Judicial Magistrate Court No.I, Walajapet, 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, as and when required.

[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.

[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 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].

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

-sd/-

27/05/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE NO.I, WALAJAPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
WALAJAPET POLICE STATION,
VELLORE DISTRICT

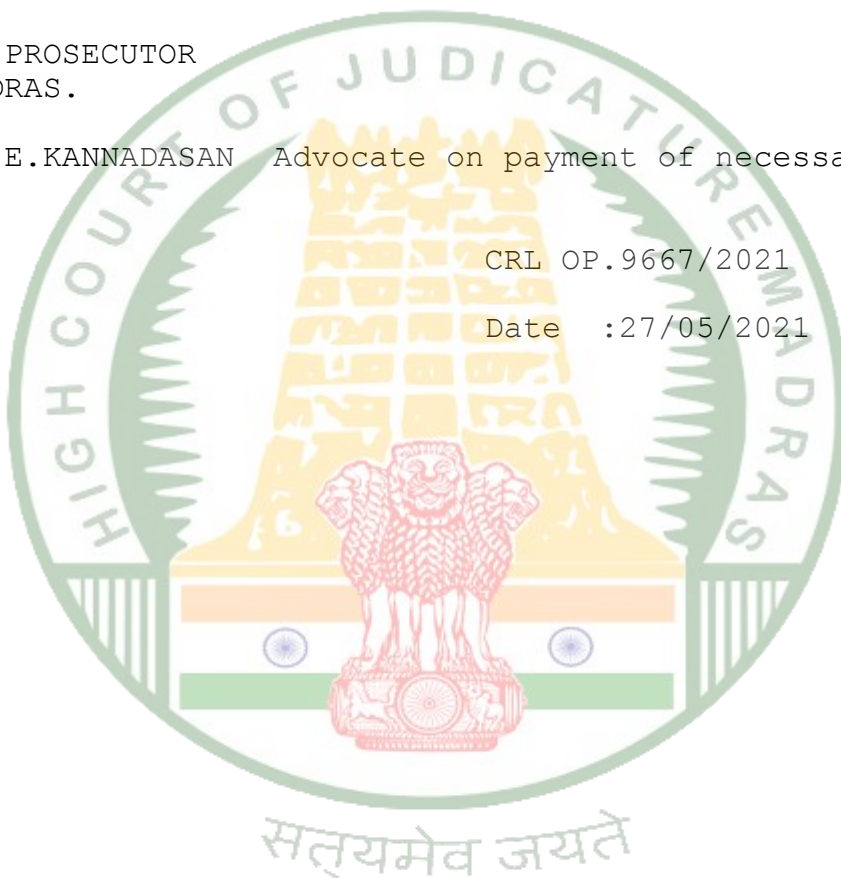
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.9667/2021

Date :27/05/2021

RVR 05/07/2021



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