

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.6168 of 2020

B.Thachinamoorthi

... Petitioner

Vs.

State represented by  
The Sub Inspector of Police,  
Naduveerpattu Police Station,  
Cuddalore District,  
Crime No.284 of 2019

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in Crime No.284 of 2019 on the file of the respondent police.

For Petitioner : Mr.T.Balachandran

For Respondent : Mr.M.Mohamed Riyaz,  
Additional Public Prosecutor

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 having allegedly committed the offences punishable under Sections 4(1)(a), 4(1-A) & 14A of Tamil Nadu Prohibition Act, in Crime No. 284 of 2019, has filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.

2. The case of the Prosecution is that the Petitioner was found in possession of 20 litres of arrack illegally. Hence, the complaint was registered.

3. This Court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.

4. According to the Petitioner, the Petitioner is in no way connected with the alleged offences and he has been falsely implicated in the case on hand. On instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit a considerable amount to any charitable organization and prayed for grant of Anticipatory Bail.

5. On the other hand, the learned Additional Public Prosecutor, while opposing to grant anticipatory bail, would submit that the Petitioner was found in possession of 20 litres of arrack, without any valid licence. He further submitted that there is no previous case against the petitioner.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) The petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non-refundable deposit through RTGS/NEFT in favour of the **'Bar Council of Tamil Nadu and Puducherry (BCTNP) Advocates Relief Fund, Account No: 6873278505, Indian Bank, Madras High Court Branch with IFSC Code - IDIB000M157'** within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or his appearance and on production of proof of deposit of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for the likesum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give an letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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 Friday at 10.30am, until further orders.

[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 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-  
21/07/2020

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 NO.I,  
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,  
NADUVEERPATTU POLICE STATION,  
CUDDALORE DISTRICT.

5 THE BAR COUNCIL OF TAMIL NADU  
PUDUCHERRY (BCTNP) ADVOCATES RELIEF FUND,  
ACCOUNT NO: 6873278505, INDIAN BANK, MADRAS  
HIGH COURT BRANCH WITH IFSC CODE - IDIB000M157

CC to M/S.T.BALACHANDRAN Advocate on payment of necessary charges

CRL OP.6168/2020

Date :21/07/2020

MK:17/08/2020