

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.7154 of 2020

Barath @ Bharathi

...Petitioner

Vs.

State rep by

... Respondent

The Inspector of Police

PEW Tindivanam Police Station,

Villupuram District

PRAYER: Criminal Original Petitioner has been filed under Section 438 Cr.P.C to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.600 Of 2018 on the file of the respondent police.

For Petitioner : M/s.R.Sasikumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

The petitioner apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 4 (1) (a) of TNP Act r/w Sections 420, 465, 468 of IPC in Crime No.600 of 2018 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner a prohibition offender who was in possession and who was also selling liquor bottles fraudulently by affixing false labels. Further the case of the prosecution is that the petitioner along with other accused persons was supplying liquor bottles in and around the villages in Thindivanam.

3. The learned counsel for the petitioner submitted that the case pertains to the year 2018 and the petitioner has been falsely implicated in this case.

4. Mr.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent submitted that totally 180

labels and 179 IMFL bottles were recovered and A1 was arrested. He further submitted that the petitioner has been arrayed as A2 and there are two previous cases against the petitioner.

5. This Court is of the opinion that the petitioner can be directed to deposit a sum of Rs.1,500/- (Rupees One thousand Five Hundred only) as non-refundable deposit to the credit of the Tamil Nadu Advocate Clerk Association, High Court, Madras, without prejudice to their rights and contentions before the trial Court. Merely because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Considering the facts and circumstances of the 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, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Tindivanam, on condition that the petitioner shall execute a separate bond for a sum of Rs.5,000/- (Rupees 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 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 deposit a sum of Rs.1,500/- (Rupees One thousand Five Hundred only) as non refundable deposit to the credit of the **Tamil Nadu Advocate Clerks Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)**.

[c] the petitioner shall report before the respondent police on every Monday and Friday at 10:30 a.m. for a period of four weeks and thereafter as and when required for 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
10/06/2020

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.1,
TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PEW TINDIVANAM POLICE STATION,
VILLUPURAM DISTRICT.

5 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
MADRAS HIGH COURT, CHENNAI
(INDIAN BANK, HIGH COURT BRANCH, A/C NO.484026006,
IFSC CODE:IDIB000M157).

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges

WEB COPY

CRL OP.7154/2020

Date :10/06/2020

MN-TA-05/08/2020