

IN THE HIGH COURT OF JUDICATURE AT

MADRAS

DATED : 02.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.7142 of 2020

R.Sudhakar

... Petitioner

Vs.

State represented by
The Inspector of Police,
Sathangadu Police Station,
Thiruvallur District.
Crime No.78/2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. to grant Anticipatory bail to the petitioner in the event of arrest in Crime No.78 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Dineshkumar

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1) (i) TNP Act & 353, 506(ii) of IPC, in Crime No.78 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 40 bottles of ID Arrack. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The learned counsel further submitted that there is no previous case pending against the petitioner. On instruction, he would further submit that the petitioner is prepared to deposit an amount of Rs.5,000/- as non refundable deposit to **the Cancer Institute WIA No.38, Childrens Park Access Road, IIT Post, Guindy National Park, Guindy, Chennai, Tamil Nadu-600 036** and prayed for grant of Anticipatory Bail.

4. The learned Additional Public Prosecutor submitted that the petitioner was illegally found in possession of 40 bottles of ID Arrack. He further submitted that there is no previous case as against the petitioner. However, he opposed for the grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case and taking note of the fact that the petitioner has come forward to deposit an amount of Rs.5,000/- (Rupees Five Thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020, bearing A/c No.149710011005477, Andhra Bank, Madhya Kailash Branch, and on such deposit and production of proof, 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, Thiruvottiyur**, 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 deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020, bearing A/c No.149710011005477, Andhra Bank, Madhya Kailash Branch.

[c] the petitioner shall report before the respondent police 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

02.06.2020

Index : Yes/No
Internet : Yes/No
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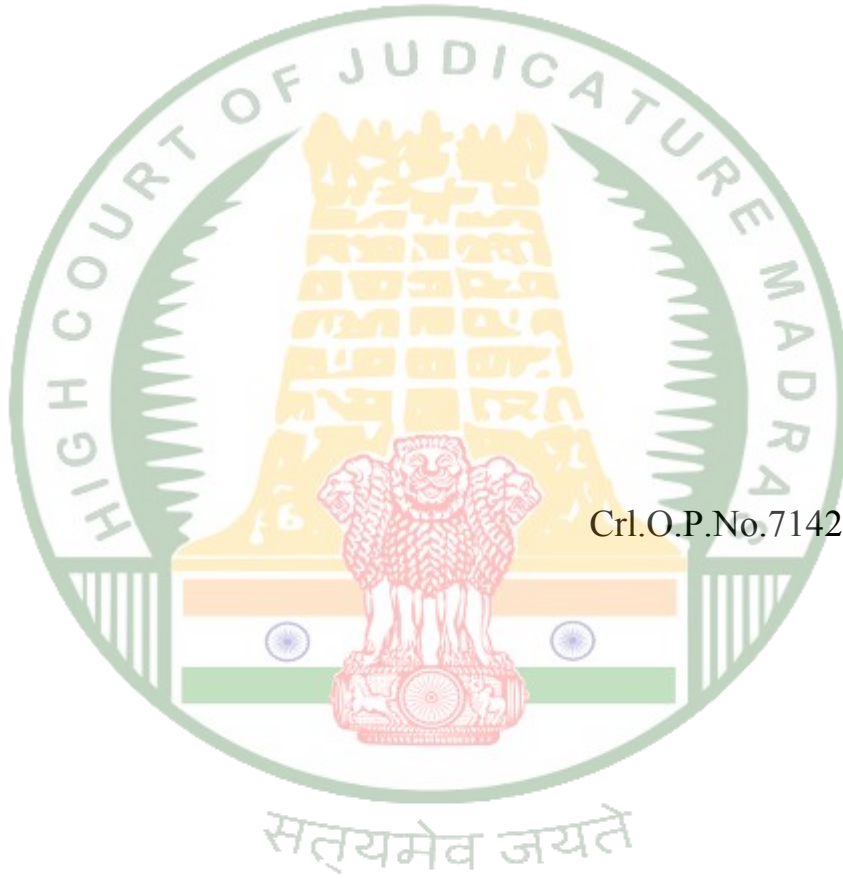
1. The learned Judicial Magistrate,
Thiruvottiyur.
2. The Inspector of Police,
Sathangadu Police Station,
Thiruvallur District.
Crime No.78/2020.
3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

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