

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.8069 of 2020

1.Palanisamy

2.Dinesh

... Petitioners

Vs.

State by

The Inspector of Police,
PEW, Tiruchengode,
Namakkal District.
(Cr.No.298 of 2020)

... Respondent

PRAYER: Criminal Original Petitioner has been filed under Section 438 Cr.P.C to enlarge the petitioners on Anticipatory bail in the event of their arrest in Cr.No.298 of 2020, on the file of the Inspector of Police, PEW, Tiruchengode, Namakkal District.

For Petitioners : Mr.C.Prakasam

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 4(1)(g) @ 4(1)(a), 4(1)(g) and 4(1-A) of TNP Act, pertaining to Crime No.298 of 2020 on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that the petitioners were found to be in possession of three liters of ID Arrack and 500 liters of fermented wash.

3 The learned counsel for the petitioners submitted that a false case has been foisted against these petitioners.

4 The learned Additional Public Prosecutor submitted that there are no previous cases against these petitioners.

5 Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to these petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-I, Tiruchengode, Namakkal District, on condition that the petitioners shall execute a separate bond for a sum of Rs.5,000/- (Rupees Five Thousand Only) with two sureties each for a like sum and those sureties can be a common surety, 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or band pass book to ensure their identity.

(b) The petitioners shall report before the respondent police, as and when required for interrogation.

(c) The petitioners shall not tamper with evidence or witness either during investigation or trial.

(d) The petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

सत्यमेव जयते

09.06.2020

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

Dua

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N.ANAND VENKATESH., J.

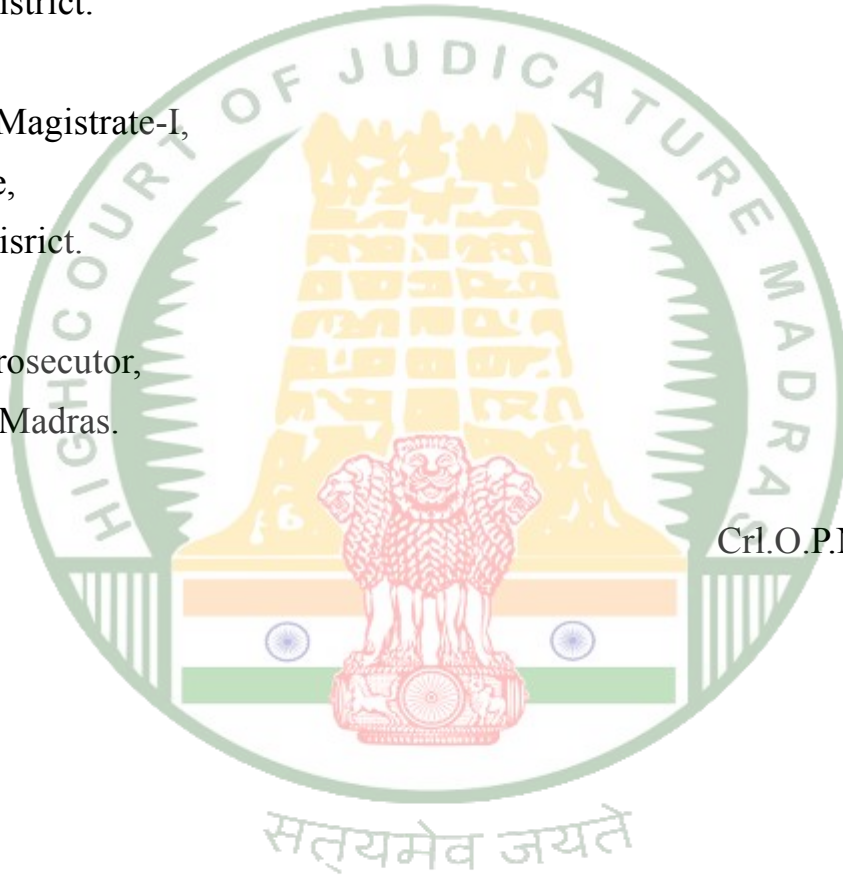
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To

1.The Inspector of Police,
PEW, Tiruchengode,
Namakkal District.

2.The Judicial Magistrate-I,
Tiruchengode,
Namakkal District.

3.The Public Prosecutor,
High Court, Madras.



Crl.O.P.No. 8069 of 2020

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