

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.8087 of 2020

A.Chandra @ Chandiranayaka

...Petitioner/Accused No.1

Vs.

State Rep.by its ... Respondent/Complainant
The Inspector of Police,
Thally Police Station,
Krishnagiri District,
Crime No.222 of 2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event on their arrest by the respondent police in Crime No.222 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

(The case has been heard through Video Conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 4 (1)(g) of TN Prohibition Act in Crime No.222 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 liters of fermented wash. Hence, the complaint.

3. The learned counsel appearing 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 and that without prejudice to his defence, the petitioner is prepared to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Dean, Government Hospital, Krishnagiri. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the Inspector of Police, on secret information, he found that the petitioner was illegally found in possession of 40 litres of fermented wash. He would further submit that there is no previous case as against the petitioner.

5. In view of the fact that there is no previous case against the petitioner, this Court is of the opinion that the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only) by way of demand draft, to the Dean, Government Hospital, Krishnagiri**, without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner deposits 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.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only) by way of demand draft, to the Dean, Government Hospital, Krishnagiri**, and on such deposit, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date, on which the order copy is made ready, before the **District Munsif cum Judicial Magistrate Court, Tenkanikottai, Krishnagiri District**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **one surety** 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 surety 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 for interrogation.**

[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.

[e] 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]**.

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

-sd/-

05/06/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
COURT, TENKANIKOTTAI, KRISHNAGIRI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THALLY POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE DEAN,
GOVERNMENT HOSPITAL,
KRISHNAGIRI.

CC to M/S J.PRADEEP Advocate on payment of necessary charges

CRL OP.8087/2020

Date :05/06/2020

TA-13/07/2020

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