

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.8125 of 2020

1.Mr.P.Shanmugasundaram

2. R.Perumal

3. P.Kannan

... Petitioners

Vs.

State Rep. by

The Sub Inspector of Police,

Karuppur Police Station,

Salem.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on anticipatory bail pending investigation in Crime No.334 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Manimaran

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

The Petitioner who apprehends arrest at the hands of the Respondent

Police, for having allegedly committed the offences punishable under Sections

120(B), 408 IPC 1860 and Sec.4(1)(a) of Tamilnadu Prohibition Act, in Crime

No.334 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.

2. The case of the Prosecution is that the Petitioners were found illegally transporting 95 bottles of ACCORD Brandy, each containing 180 ml. in the Hero Honda CD Dawn vehicle bearing registration No. TN 28 A 5983. Hence, the complaint was registered.

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

4. According to the Petitioner, the Petitioners are in no way connected with the alleged offences and they have been falsely implicated in the case on hand and he would submit that there are no previous case against the petitioner. 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 Petitioners were found transporting of 95 bottles of ACCORD Brandy, each containing 180 ml. to sell them in the open market for gaining money. He would further submit that the first petitioner is Supervisor and the other petitioners are salesmen of a TASMACH Shop and 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 petitioners with certain conditions. Accordingly, the first petitioner is directed to deposit a sum of **Rs.15,000/- (Rupees fifteen thousand only)** and the second and third petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees ten thousand only)** each as non refundable deposit by way of NEFT/RTGG to the credit of the **Adyar Cancer Institute WIA No.38, Childrens Park Access Road, IIT Post, Guindy National Park, Guindy, Chennai, Tamil Nadu-600 036** as non refundable deposit bearing **A/C.No.149710011005477, Madhiyakailash Branch, Andhra pradesh** and on such deposit and production of proof, 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 II, Salem, on condition that the petitioners shall execute a separate 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 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 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.

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

03.06.2020

Internet : Yes/No

kmm

To

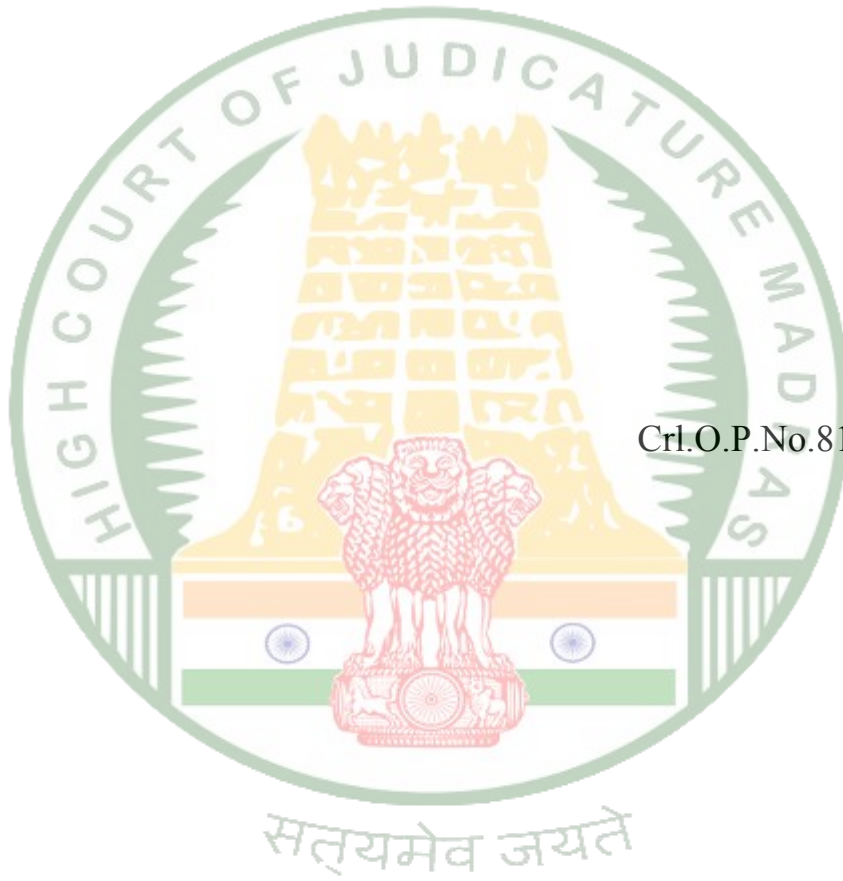
1. The Judicial Magistrate II,
Salem.
2. The Sub Inspector of Police,
Karuppur Police Station,
Salem.



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A.D.JAGADISH CHANDIRA, J.

kmm



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