

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.8226 of 2020

1) Velu

2) Venkatesan
Petitioners

Vs.

The State Rep. by
Inspector of Police,
Andimadam Police Station,
Ariyalur District.

(Cr.No.532 /2020)
Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.532 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.Mohammed Riyaz

Additional Public Prosecutor

ORDER

The petitioners/A1 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1-A), 4(i)(g) of Tamil Nadu Prohibition Act in Crime No.532 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that while conducting prohibition raid by the respondent police, the petitioners were in possession of 80 litres of ID Arrack and it was seized by the respondent police.

3. The learned Additional Public Prosecutor submitted that the first petitioner has already been arrested and detained under Act 14 of 1982 by an order dated 09.05.2020. The learned counsel further submitted that there are no previous case against the 2nd petitioner.

4. Taking into consideration the facts and circumstances of the case, anticipatory bail is dismissed insofar as the 1st petitioner is concerned

and granted insofar as the 2nd petitioner is concerned with following conditions. Accordingly, the 2nd petitioner is directed to deposit a sum of Rs.1500/- (Rupees One Thousand Five Hundred only) directly to the **Tamil Nadu Advocate Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)**, and on such deposit the 2nd 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 - II, Jayamkondan on condition that the 2nd petitioner shall execute a 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 2nd 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 2nd petitioner shall deposit a sum of Rs.1500/- (Rupees One

Thousand Five Hundred only) directly to the Tamil Nadu Advocate Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)

[c] the 2nd petitioner shall report before the respondent police, as and when required for interrogation.

[d] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the 2nd 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

Internet : Yes/No

ssr

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To.

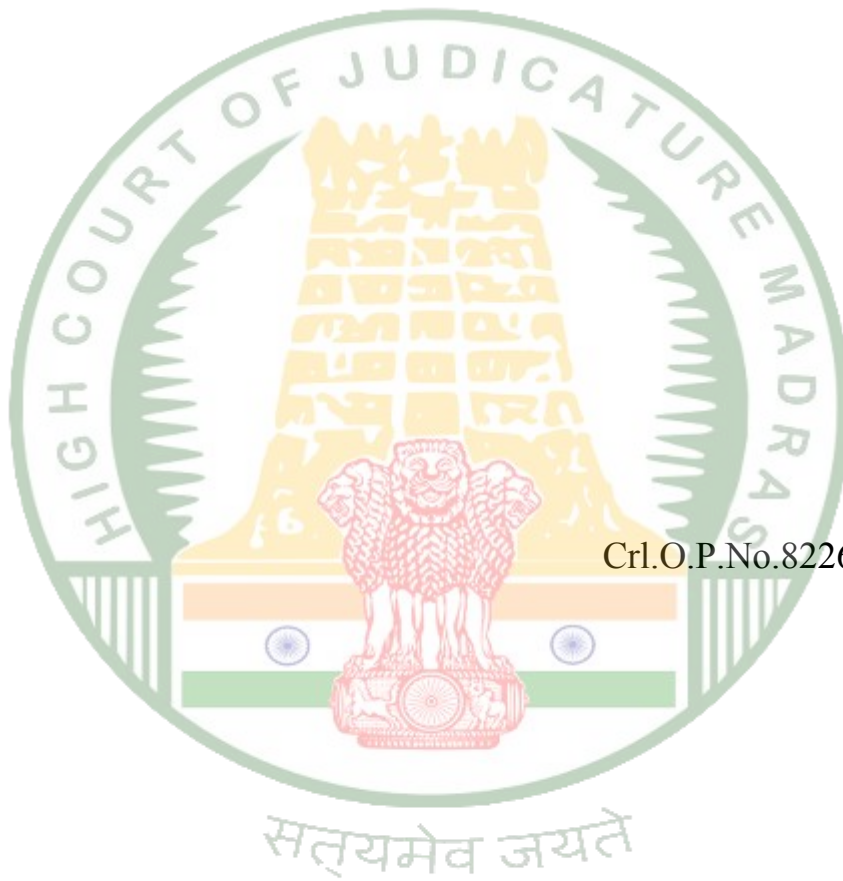
1. The Principal Sessions Judge, Ariyalur Sessions Division,
Ariyalur.
2. The Judicial Magistrate No.2, Jayamkondan.
3. The Inspector of Police
Andimadam Police Station,
Ariyalur District.
4. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH,J

SSR



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