

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2020

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. No.8280 of 2020

Syed Musthafa

... Petitioner

Vs.

State represented by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
Crime No.147 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., 1973 to enlarge the petitioner in the event of arrest in connection with the case in Crime No.147 of 2020 pending before the respondent Police.

For Petitioner : Mr.V.Balamurugan

For Respondent : Mr.Mohammed Riyaz

Additional Public Prosecutor

ORDER

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 4 (1) (aaa) of the Tamil Nadu Prohibition Act, 1930 in Crime No.147 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons were in illegal possession of 2508 liquor bottles. There are totally two accused persons in this case and the petitioner is ranked as A1.

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

4.The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that there are three previous cases pending against the petitioner.

5. Considering the facts and circumstances, this Court is
<https://hcservices.courts.gov.in/hcservices/> grant anticipatory bail to this petitioner with certain

conditions. Accordingly, 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 No.I, Namakkal 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 and those sureties can be a common sureties for all the petitioner, 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.2,500/- (Rupees Two Thousand and 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 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
11/06/2020

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 JUDICIAL MAGISTRATE NO.I,
NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAMAKAL POLICE STATION,
NAMAKKAL.

5 THE TAMIL NADU ADVOCATE CLERK
ASSOCIATION, MADRAS HIGH COURT, CHENNAI
(INDIAN BANK, HIGH COURT BRANCH, A/C NO.
484026006, IFSC CODE:IDIB000M157)

CC to M/S V.BALAMURUGAN Advocate on payment of necessary charges

CRL OP.8280/2020

Date :11/06/2020

TA-17/07/2020



WEB COPY