

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 09.06.2020

CORAM

THE HONOURABLE MR.JUSTICE.N.ANAND VENKATESH

CrI.O.P.No.8291 of 2020

Rajan
S/o. Eallumallai

... Petitioner

vs.

State rep. By
The Inspector of Police
Arakkonam Police Station,
Ranipet District
(Cr.No.137 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Cr.No.137 of 2020 on the file of the Inspector of Police, Arakkonam PEW Police Station, Ranipet District.

For Petitioner : Mr.M.P.Yuvaraj

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 4 (i)b, 4(1)aaa, 4(1-A) of Tamil Nadu Prohibition Act, 1937 in Crime No.137 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while conducting a prohibition raid by the respondent police, the petitioner was in possession of 105 litres of ID Arrack and it was seized by the respondent police.

3. The learned Additional Public Prosecutor appearing for the respondent submitted that there is no previous case pending against this petitioner.

4.This Court is of the opinion that the petitioner can be directed to deposit a sum of Rs.750/- (Rupees Seven hundred and Fifty only) as non-refundable deposit to the credit of Tamil Nadu Advocate Clerk Association, High Court, Madras, without prejudice to his rights and contentions before the trial Court.

5.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the

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, Arakkonam, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten 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 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 is directed to deposit a sum of Rs.750/- (Rupees Seven hundred and Fifty only) as non refundable deposit to the credit of the Tamil Nadu Advocate Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157), without prejudice to his rights and contentions before the trial Court.

[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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/06/2020

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,
ARAKKONAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ARAKKONAM POLICE STATION,
RANIPET DISTRICT.

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

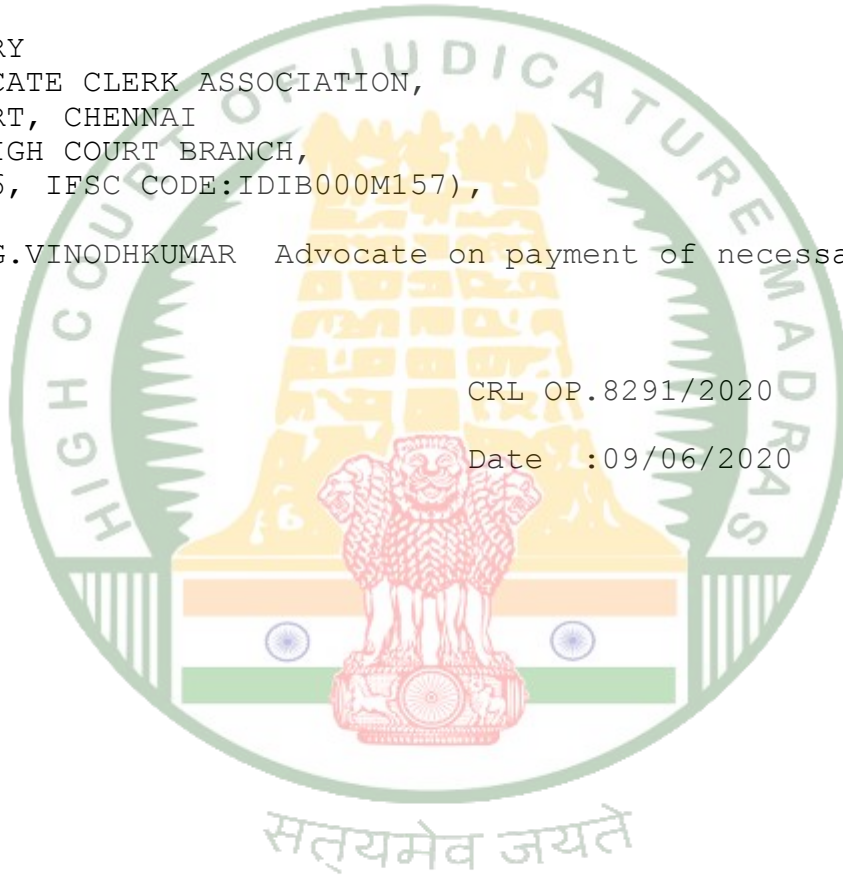
CC to M/S.G.VINODHKUMAR Advocate on payment of necessary
charges

CRL OP.8291/2020

Date :09/06/2020

RD 20/07/2020

RD 02/09/2020



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