

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2020

CORAM :

THE HONBLE MR. JUSTICE.N.ANAND VENKATESH

**Crl.O.P.No.8315 of 2020**

Athiyaman

... Petitioner

VS.

State represented by.  
The Inspector of Police,  
Melpatti Police station,  
Vellore District.

... Respondent

**Prayer** :- Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Crime No.197 of 2020 the file of the respondent police.

For Petitioner : Mr.S.Thirugnanam

For Respondent : Mr.Mohammad Riyaz,

Additional Public Prosecutor

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**ORDER**

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1-A) ii of Tamil Nadu Prohibition Act in Crime No.197 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while conducting prohibition raid by the respondent police, the petitioner was in possession of 30 litres of ID Arrack and 150 packets of 200ml illicit arrack and it was seized by the respondent police.

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

4. This Court is of the opinion that the petitioners 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 their rights and contentions before the trial Court.

5. Taking into consideration the facts and circumstances of the case, anticipatory bail is granted to the petitioner with following 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, Gudiyantham, Vellore District** on condition that the 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 stands 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) 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]**.

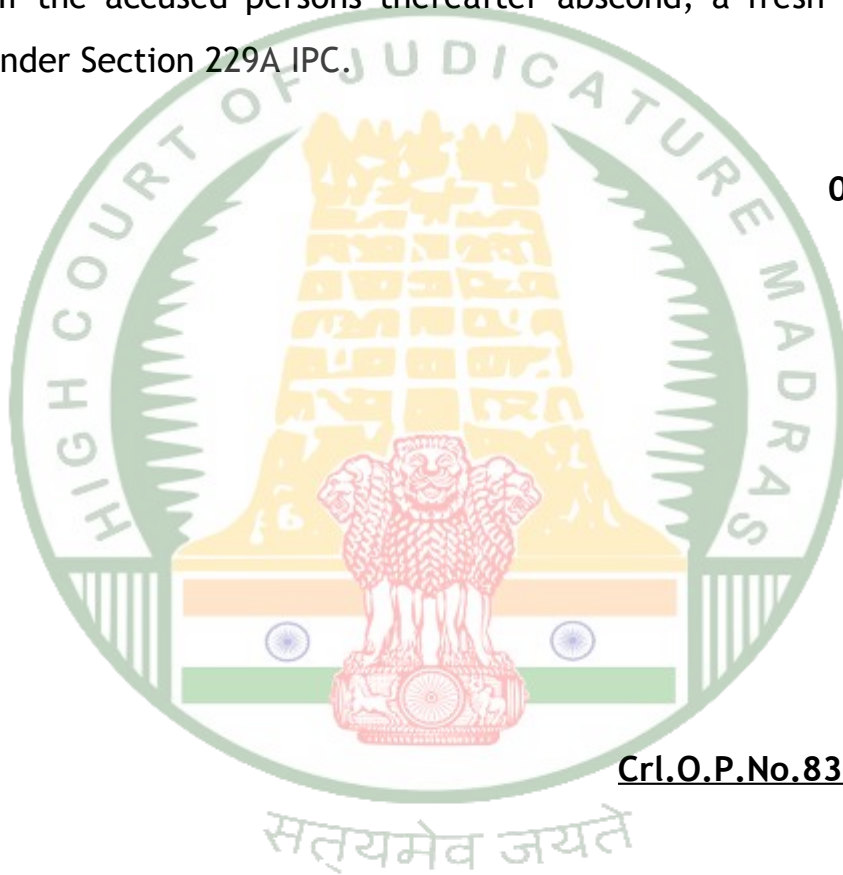
**N.ANAND VENKATESH., J.**

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

**09.06.2020**

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