

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.8473 of 2020

Hari Krishna Moorthy

..Petitioner/Sole Accused

/vs/

State rep.by

Inspector of Police,

Kelamangalam Police Station,

Krishnagiri District.

(Crime No.79/2020)

..Respondent/complainant

Prayer: Criminal Original Petition filed under Section 438 of the Cr.P.C. to enlarge the petitioner on anticipatory bail in event of arrest concerned in Crime No.79/2020 pending on the file of the respondent.

For Petitioner :Mr.N.Anandan

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the allege offence punishable under Section 4(1)(aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.79 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that 114 litres of IMF liquor has been sold in pockets.

3.Heard the learned counsel appearing for the petitioner submitted that the petitioner has been fasely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that there is one previous case against the petitioner.

5.Taking note of the fact and circumstances, 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 District Munsif-cum-Judicial Magistrate, Denkaniothai, 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 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.1,500/- (Rupees one 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

सत्यमेव जयते
-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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, DENKANIKOTTAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
KELAMANGALAM POLICE STATION,
KRISHNAGIRI DISTRICT.

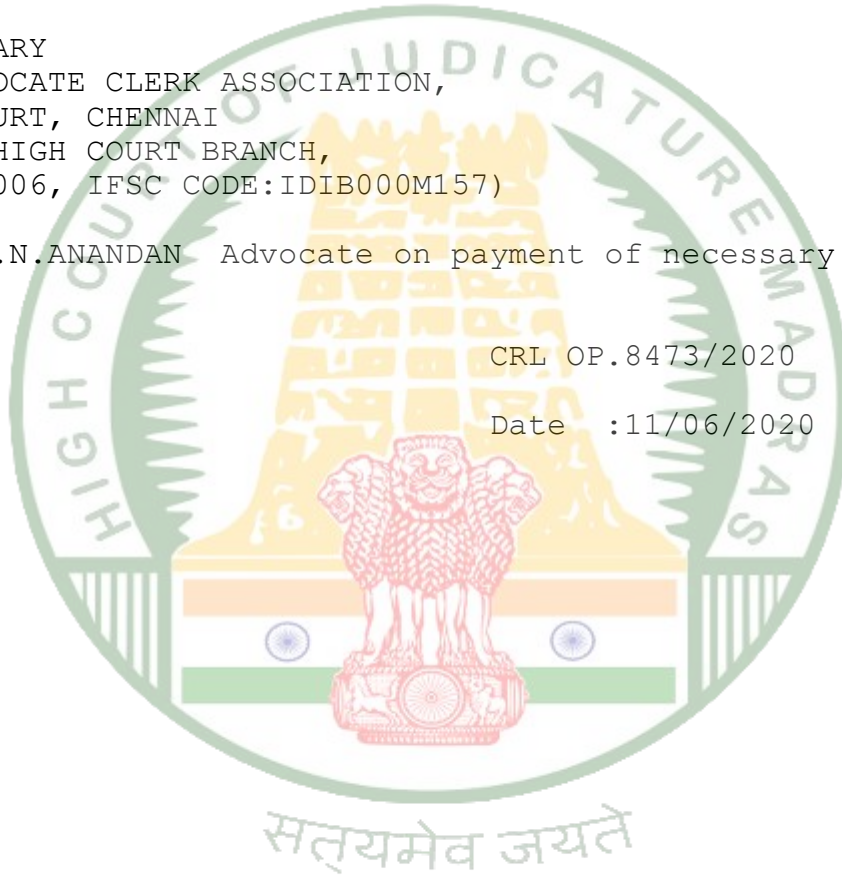
4 THE SECRETARY
TAMIL NADU ADVOCATE CLERK ASSOCIATION,
MADRAS HIGH COURT, CHENNAI
(INDIAN BANK, HIGH COURT BRANCH,
A/C NO. 484026006, IFSC CODE:IDIB000M157)

CC to M/S.N.ANANDAN Advocate on payment of necessary charges

CRL OP.8473/2020

Date :11/06/2020

RVR 17/08/2020



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