

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED :11.06.2020

CORAM

THE HONOURABLE MR.JUSTICE.N.ANAND VENKATESH

Crl.O.P.No. 8499 of 2020

Rajkumar
S/o. Mathiyan

... Petitioner

vs.

State rep. By
The Inspector of Police
Fairland Police Station,
Salem City, Salem.
(Crime No. Not Known 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 connection with Crime No. Not Known of 2020 on the file of the Inspector of Police, Fairland Police Station, Salem City, Salem District. .

For Petitioners : Mr.R. Rajan

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(1)(a), 4(1-A) of the Tamil Nadu Prohibition Act, 1937, in Crime No. Not Known of 2020 on the file of the respondent police, seek 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 15 liters of ID Arrack and it was seized by the respondent police.

3. The learned Additional Public Prosecutor appearing for the respondent submitted that there are two previous case pending against this petitioner.

4.This Court is of the opinion that the petitioners can be directed to deposit a sum of Rs.2,500/- (Rupees Two thousand five hundred 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.Merely, because the petitioner has deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

6.Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate-II, Cuddalore**, on condition that the petitioners shall execute a separate 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.2,500/- (Rupees Two thousand five hundred only) each to the credit of **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 daily at 10.30 a.m for a period of two weeks and thereafter, 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.

11.06.2020

mp

N. ANAND VENKATESH J.,

mp

To

The Inspector of Police
Fairland Police Station,
Salem City, Salem.
(Crime No. Not Known of 2020)



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