

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.8535 of 2020

Dhanasekaran

...Petitioner

Vs

State rep. By

....Respondent

The Inspector of Police,
PEW - Tiruchengode Police Station,
Namakkal District.
(Crime No.298 of 2020)

PRAYER: Criminal Original Petitioner has been filed under Section 438 Cr.P.C to enlarge the petitioners on Anticipatory bail in the event of their arrest in Cr.No.298 of 2020, on the file of the Inspector of Police, PEW, Tiruchengode, Namakkal District.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 4(1)(g) @ 4(1)(a), 4(1)(g) and 4(1-A) of TNP Act, pertaining to Crime No.298 of 2020 on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that the petitioner was found to be in possession of three litres of ID Arrak and 500 liters fermented wash.

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

4 The learned Additional Public Prosecutor submitted that there are no previous cases against the petitioner.

5 Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to 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), and on such deposit 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-I, Tiruchengode, Namakkal District, on condition that the petitioner shall execute a separate bond for a sum of Rs.5,000/- (Rupees Five Thousand Only) with two common 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 learned Magistrate may obtain a copy of their Aadhar card or band 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 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 petitioners 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

(g) If the accused person thereafter abscond, afresh FIR can be registered under Sections 229A IPC.

-sd/-
12/06/2020

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-I,
TIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL [FOR INFORMATION].

3 THE ADDITIONAL PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PEW-TIRUCHENGODE POLICE STATION,
NAMAKKAL DISTRICT.

5 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.W.CAMYLES GANDHI Advocate on payment of necessary charges

WEB COPY

CRL OP.8535/2020

Date :12/06/2020

MN-TA-30/07/2020