

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2020

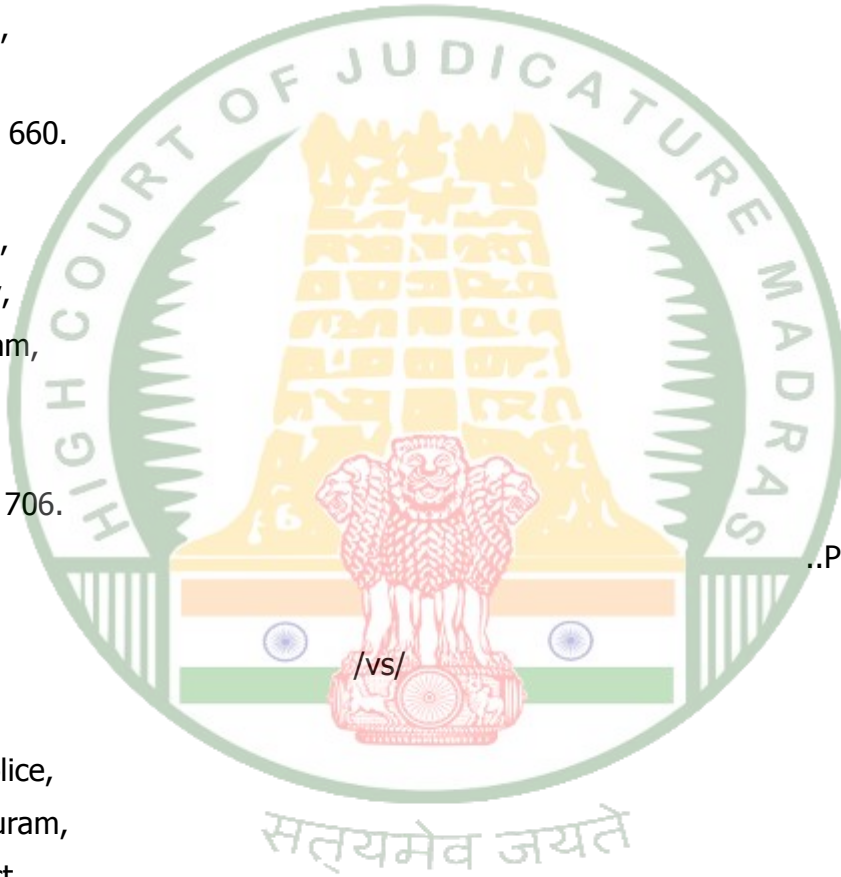
CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8543 of 2020

1.Jegan @ S.Jeganathan
S/o.Sanmugam,
3/67, Nelali,
Tiruppur - 638 660.

2.P.Sathasivam,
S/o.Periyasamy,
6, Valasupalayam,
Punganthurai,
Kambilampatti,
Tiruppur - 638 706.



..Petitioners

/vs/

State rep. by
Inspector of Police,
PEW - Dharapuram,
Tiruppur District.
(Crime No.557/2020)

..Respondent/complainant

WEB COPY

Prayer: Criminal Original Petition filed under Section 438 of the Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest concerned in Crime No.557/2020 pending on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 4(1)(a), 4(1) (b), 4(1) (g) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.557 of 2020 on the file of the respondent police, seek anticipatory bail.

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

3.Heard the learned counsel appearing for the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that there are no previous cases against the petitioners.

5.Taking note of the fact and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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, Kangeyam, on condition that the petitioners 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 petitioners 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 petitioners shall deposit a sum of Rs.1,000/-(Rupees one thousand 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)**. Merely, because the petitioners have 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.

(c)the petitioners shall report before the respondent police as and when required for interrogation.

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial.

(e)the petitioners 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 petitioners 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.

12.06.2020

Index:yes/no

Speaking order/non speaking order
ub

To

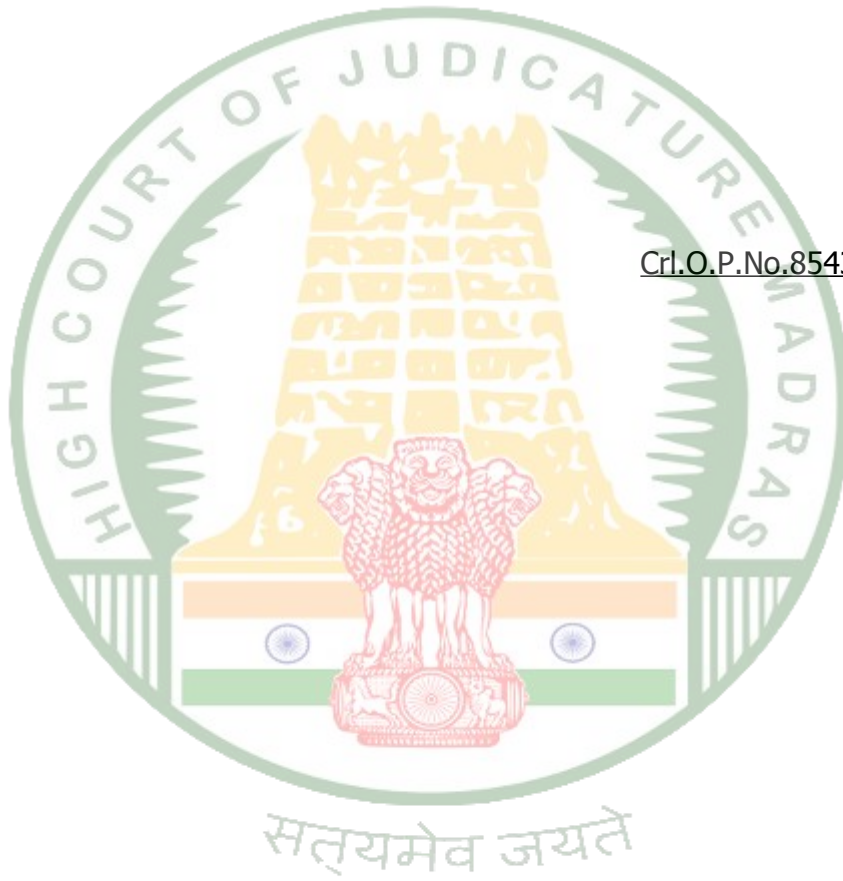
1. The Judicial Magistrate, Kangeyam

2. The Inspector of Police,
PEW – Dharapuram,
Tiruppur District.

3.The Public Prosecutor, High Court, Madras.

N.ANAND VENKATESH,J

ub

CrI.O.P.No.8543 of 2020

WEB COPY

12.06.2020