

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8550 of 2020

1.Ganapathy
2.Gunasekaran

... Petitioners

Vs.

State Represented by the
Inspector of Police,
Naduveerapattu, Panruti Taluk,
Cuddalore District.
(Crime No.323 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to grant anticipatory bail to the petitioners in the event of their arrest by the Respondent in Crime No.323 of 2020.

For Petitioners : Ms.S.R.Sumathy

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent for the alleged offense under Sections 4(1) (a), 4(1-A), 4(1-b), 4(1-g) of Tamil Nadu Prohibition Act in Crime No.323 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that while conducting prohibition raid by the respondent police, the petitioners were in possession of 5 litres of ID Arrack and it was seized by the respondent police.

3. The learned Additional Public Prosecutor submitted that there is no previous case pending against these petitioners. The second petitioner has already been arrested and remanded to the judicial custody and the petition is confined only to the first petitioner.

4. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to these petitioners with certain conditions. Accordingly, the **petitioners are** directed to deposit a sum of Rs.3000/- (Rupees Three 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)**, and on such deposit the petitioners are 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 Court No.I, Cuddalore 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.3000/- (Rupees Five Hundred only) directly to the 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 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 petitioner 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

12.06.2020

Internet : Yes/No

dm

To

1.Judicial Magistrate Court No.1,
Cuddalore.

2.Inspector of Police,
Naduveerapattu, Panruti Taluk,
Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.



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