

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.06.2020
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI. O.P. No. 8596 of 2020

1.Jayaraman
2.Vijay

... Petitioners

-vs-

The State by Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory Bail to the Petitioners in the event of arrest or their appearance before any Court in connection with case in Crime No. 451 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr. R. Prabakar

For Respondent : Mr. M. Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4 (1) (a), 4 (1) (b), 4 (1) (f), 4 (1) (g), 4 (1-A) and 14A of Tamil Nadu Prohibition Act in Crime No.451 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 80 litres of ID Arrack and it was seized by the respondent police.

3. The learned Additional Public Prosecutor submitted that there are no previous cases against the Petitioners.

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.2500/- each (Rupees Two Thousand Five Hundred only) directly to the Tamil Nadu Advocate Clerks Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c NO.181020006, IFSC Code:IDIB000M157), and on such deposit the

Petitioners are 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, Panruti, Cuddalore District 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.2500/- (Rupees Two thousand Five Hundred only) each directly to the Tamil Nadu Advocate Clerks Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157), without prejudice to their rights and contentions before the trial Court. 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.

[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 persons thereafter abscond, a fresh FIR can be registered under Section 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 NO.II,
PANRUTI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KADAMPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

5 THE TAMIL NADU ADVOCATE CLERKS ASSOCIATION,
MADRAS HIGH COURT, CHENNAI
(INDIAN BANK, HIGH COURT BRANCH)

CC to M/S. R.PRABAKAR Advocate on payment of necessary charges

MK:14/07/2020

MK:25/08/2020

CRL OP.8596/2020

Date :12/06/2020

WEB COPY