

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. O.P. No. 8599 of 2020

Vibushnan

... Petitioner/A2

-VS-

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

... Respondent

PRAYER:- Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with crime No. 450/2020 for the offence punishable under Section 4(1)(a), 4(1)(d), 4(1-A) of the Tamil Nadu Prohibition Act pending investigation on the file of the respondent.

For Petitioner : Mr. S.C. Vishwanth

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

ORDER

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1)(d), 4(1-A) of Tamil Nadu Prohibition Act in Crime No.450 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while conducting prohibition raid by the respondent police, the petitioner and other accused persons were in possession of 8 litres of ID Arrack and it was seized by the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he did not commit any offence as alleged by the prosecution and he had been falsely implicated in this case. He further submitted that there are totally 2 accused persons and the petitioner was ranked as A-2.

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

5.This Court is of the opinion that the petitioner can be directed to deposit a sum of Rs.750/- (Rupees Seven Hundred and fifty only) as non-refundable deposit to the credit of the Tamil Nadu Advocate Clerks Association, High Court, Madras, 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.

6. Considering the facts and circumstances, this Court is inclined to grant Anticipatory Bail to the Petitioner 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, Panruti on condition that the petitioner 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 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.750/- (Rupees Seven Hundred and fifty only) directly to the Tamil Nadu Advocate Clerks 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 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 person thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

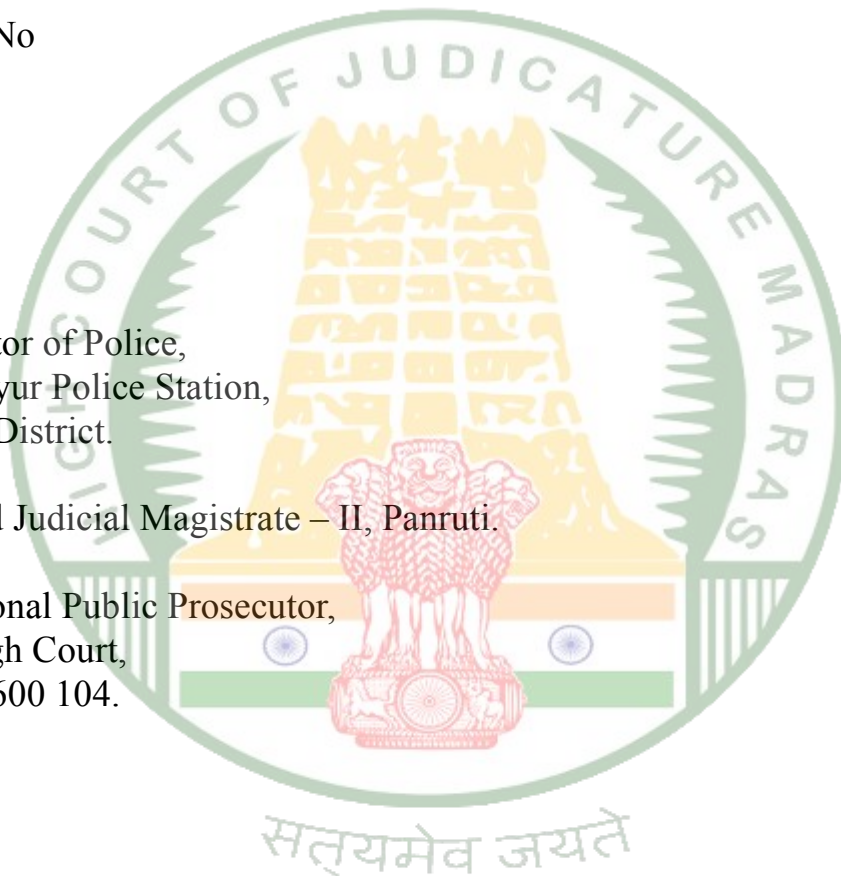
12.06.2020

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Internet: Yes/No

To

1. The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
2. The learned Judicial Magistrate – II, Panruti.
3. The Additional Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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N. ANAND VENKATESH, J.

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