

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH, J.

Crl.O.P.No.8610 of 2020

Saravanan

... Petitioner

Vs.

State rep. by
The Inspector of Police
PEW Thiruchengode Police Station
Namakkal District
(Crime No.288 of 2020)

... Respondent

Prayer:Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner in the event of his arrest in Crime No.288 of 2020 on the file of the respondent.

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 offences punishable under Sections 4(1) (g), 4(1)(a) r/w. 4(1-A) TNP Act in Crime No.288 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 was in possession of 2 litres of ID Arrack and 25 litres of chemical soak liquid and it was seized by the respondent police.

3. The learned Additional Public Prosecutor submitted that there is no previous case pending against this petitioner.

4. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to this petitioner with certain conditions. Accordingly, 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, Thiruvhengode, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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.1,500/- (Rupees One Thousand Five Hundred only) to the **President of Tamil Nadu Advocate Clerk Association, High Court, Madras (A/c.No.484026006 IFSC Code No.IDIBOOOM157)**, without prejudice to his rights and contentions before the trial Court. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner shall report before the respondent police daily at 10.30am, until further orders.

[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]**.

N.ANAND VENKATESH, J.

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[g] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

12.06.2020

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Index : yes / no

Internet : yes / no

Speaking order : yes / no

To.

1.The Judicial Magistrate
Thiruchengode

2.The Inspector of Police
PEW Thiruchengode Police Station
Namakkal District
(Crime No.288 of 2020)

3.The Public Prosecutor
High Court of Madras
Chennai 600 104

Crl.O.P.No.8610 of 2020