

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM:

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

Cr1.O.P.No.8615 of 2020

P.Nandhagopal

... Petitioner

Vs.

State represented by
The Inspector of Police
Kadampuliyur Police Station
Panruti Taluk
Cuddalore District.
(Crime No.326 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.326 of 2020 on the file of the respondent pending investigation.

For Petitioner : Mr.M.Govindarajan

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)(b), 4(1)(f), 4(1)(g), 4(1)(a), 4(1-A) and 14A of TNP Act in Crime No.326 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 40 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 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 No.II, Panruti, 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.3,000/- (Rupees Three Thousand only) to **the of Tamil Nadu Advocate Clerk Association, High Court, Madras (A/c.No.484026006 IFSC Code No.IDIBO00M157)** 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]**.

[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

TO

1 THE JUDICIAL MAGISTRATE NO.II
PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

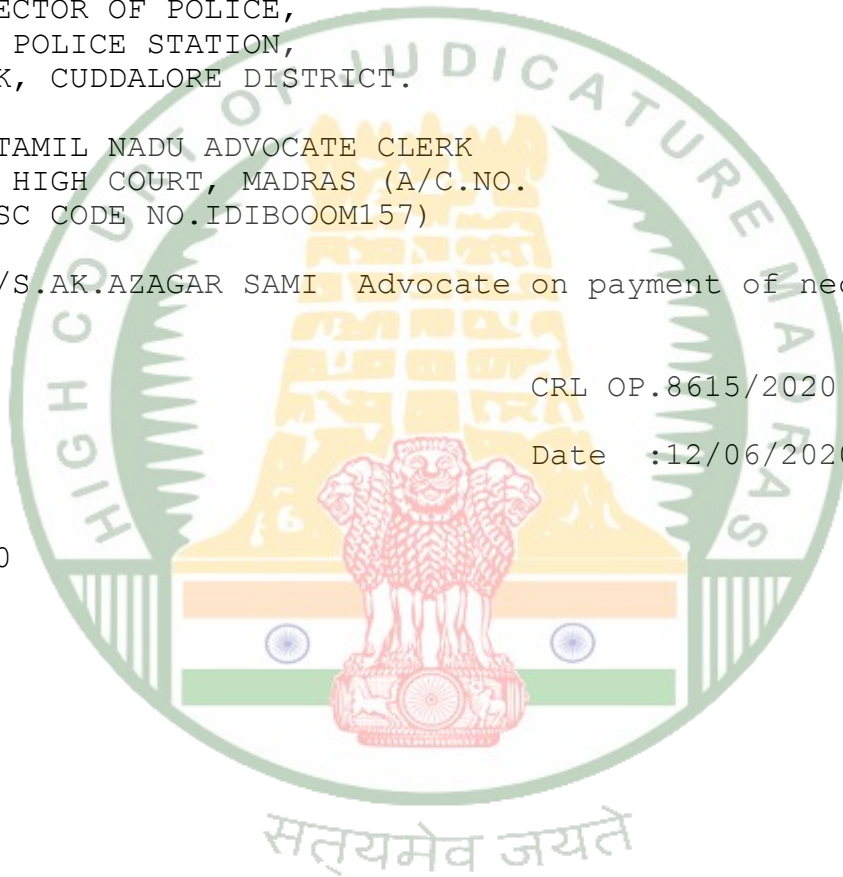
5 THE OF TAMIL NADU ADVOCATE CLERK
ASSOCIATION, HIGH COURT, MADRAS (A/C.NO.
484026006 IFSC CODE NO.IDIBO00M157)

CC to M/S.AK.AZAGAR SAMI Advocate on payment of necessary
charges

CRL OP.8615/2020

Date :12/06/2020

TA-27/07/2020



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