

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.8642 of 2020

Sundaramoorthy,
S/o.Godhandapani,
No.582, East Street,
Sendanadu,
Villupuram 607 204.

... Petitioner

-VS-

The Station House Officer,
P.E. Wing, Ulundurpet Police Station,
Villupuram District,
Crime No.96 of 2020.

...Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.96 of 2020 on the file of the respondent Police.

For Petitioner : M/s.N.Mahendra Babu

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

ORDER

The petitioner, who was arrested and remanded to judicial custody for an offence under Sections 4(1)(A) and 4(1)(a) of Tamil Nadu Prohibition Act in Crime No.96 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while conducting prohibition raid by the respondent police, the petitioner was in possession of 15 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, Ulundurpet, Villupuram District 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.2,500/- (Rupees Two Thousand and Five Hundred 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)**, without prejudice to their rights and contentions before the trial Court. Merely because the petitioners have 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 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

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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.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

1. The Judicial Magistrate No.II,
Ulundurpet, Villupuram District.
2. The Station House Officer,
P.E. Wing, Ulundurpet Police Station,
Villupuram District,
- 3.The Public Prosecutor,
High Court, Madras.

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