

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.8702 of 2020

1. K.Kandavel ... Petitioners

2. K.Ganapathy

3. K.Rajkumar @Pindi

4. R.Soundarrajan

Vs.

The State Rep. By its ... Respondent
The Inspector of Police,
Cuddalore O.T. Police Station,
Cuddalore District,
Crime No.276 of 2020.

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., praying, to enlarge the petitioners/accused on bail in the event of arrest in connection with Crime No.276 of 2020, on the file of the respondent police.

For Petitioners : Mr.M.Vijayaraghavan

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 4 (1) (aa), 4(1-A) and 4(1)(g) of Tamil Nadu Prohibition Act, 1937, in Crime No.276 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 5 litres of I.D. Arrack and 50 litres of fermented liquor and it was seized by the respondent police.

3.The learned Additional Public Prosecutor submitted that the petitioners were in possession of 5 litres of I.D.Arrack and 50 litres of fermented liquor. The learned counsel further submitted that the case in the previous case as against these petitioners.

4. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to this petitioners with certain conditions. Accordingly, 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 No.II, Cuddalore, on condition that the petitioners shall execute a separate 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 jointly deposit a sum of Rs.3,500/- (Rupees Three 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)**.

[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/-
15/06/2020

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 I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
CUDDALORE.

2 THE JUDICIAL MAGISTRATE NO.II,
CUDDALORE.

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
CUDDALORE O.T. POLICE STATION,
CUDDALORE DISITRICT.

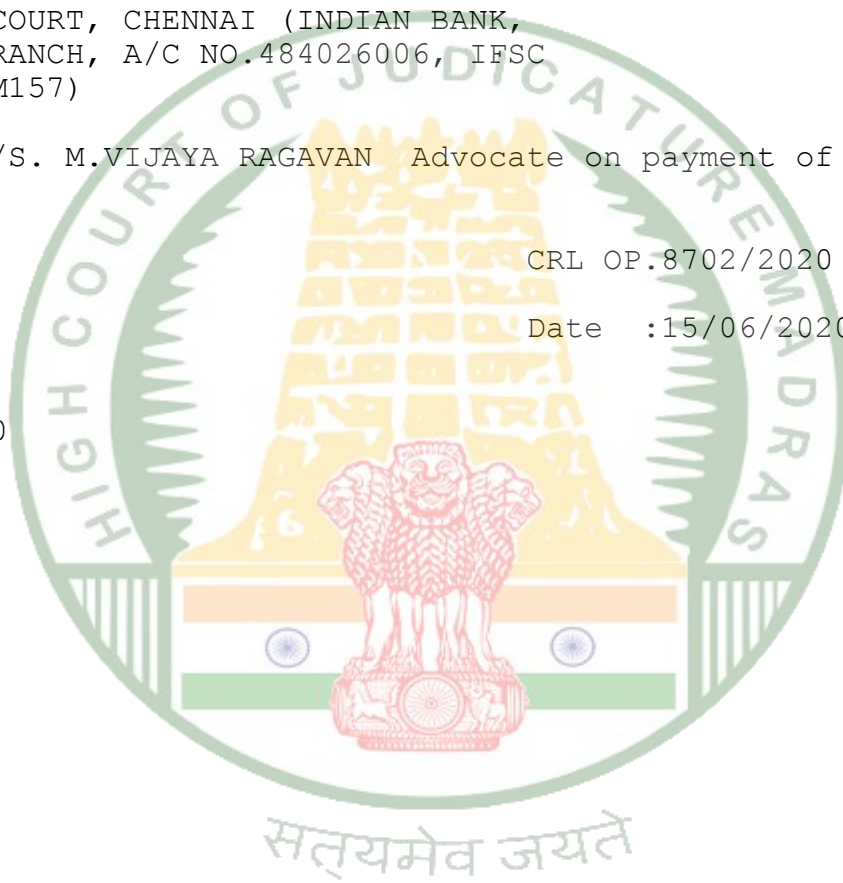
5 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
MADRAS HIGH COURT, CHENNAI (INDIAN BANK,
HIGH COURT BRANCH, A/C NO.484026006, IFSC
CODE:IDIB000M157)

CC to M/S. M.VIJAYA RAGAVAN Advocate on payment of necessary
charges

CRL OP.8702/2020

Date :15/06/2020

TA-26/08/2020



WEB COPY