

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8769 of 2020

Kamalanathan

...Petitioner/Accused

-Vs-

State Rep by,
The Inspector of Police,
PEW(The Prohibition Enforcement Wing),
Harur,
Dharmapuri District
Crime No.557 of 2020

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of his arrest pending investigation in Crime No.557 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

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)(aaa), 4(1-A) of Tamil Nadu Prohibition Act in Crime No.557 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 52 packets of ID Arrack and 500 litres of fermented wash 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. Hence, he prays to grant anticipatory bail to the petitioner.

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.3,000/- (Rupees Three Thousand 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.

<http://www.judis.nic.in> 6.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.

7.Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to this petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) as non refundable deposit to the credit of the **Tamil Nadu Advocate Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)**, and on such deposit 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 Court, Harur, Dharmapuri District 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) as non refundable deposit to the credit of the **Tamil Nadu Advocate Clerk 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 the 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

16.06.2020

ssb/kp

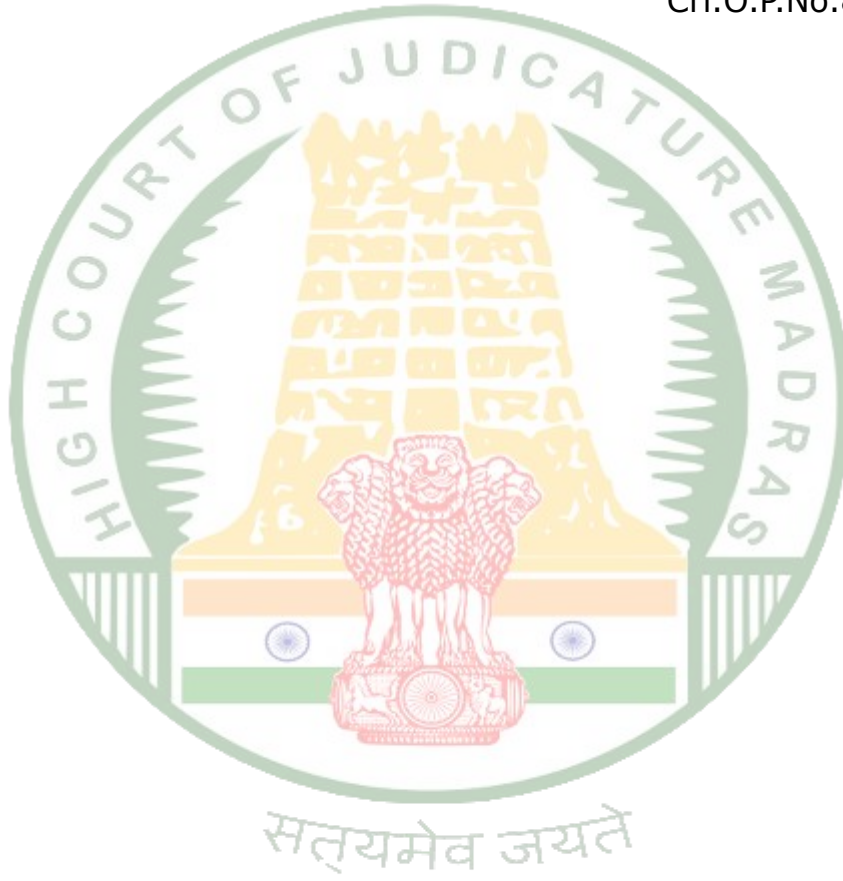
To

1. Learned Judicial Magistrate Court, Harur, Dharmapuri District
(Satisfaction Court)
2. The Principal Sessions Judge, Dharmapuri (Dismissal Court)
3. The Inspector of Police,
PEW(The Prohibition Enforcement Wing),
Harur,
Dharmapuri District.
4. The Additional Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH., J.

ssb

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