

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.8804 of 2020

Karthick (Baddu Karthick) @ Karthikeyan

... Petitioner

Vs.

The State Rep. by its
Sub-Inspector of Police,
Veppamkuppam Police Station,
Veppamkuppam,
Vellore District.
Crime No.151 of 2020.

.... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., praying, to enlarge the petitioner/accused on bail in the event of arrest in connection with Crime No.151 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.P.Arthi

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 4(1)(aaa) and 4(1-A)(ii) of Tamil Nadu Prohibition Act, 1937, in Crime No.151 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on a routine surveillance by the respondent police, the petitioner was found to be in possession of 120 litres of I.D.Arrack and the respondent Police seized the material and registered the complaint.

3.The learned Additional Public Prosecutor submitted that the petitioner was in possession of 120 litres of I.D.Arrack. The learned counsel further submitted that there are three previous cases pending against the petitioner.

4. Considering the facts and circumstances of the case, 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.III, Vellore, on condition that the petitioner 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 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.1,000/- (Rupees One Thousand 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 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 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/-
17/06/2020

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 JUDICIAL MAGISTRATE NO.III,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
VEPPAMKUPPAM POLICE STATION,
VEPPAMKUPPAM, VELLORE DISTRICT.

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 S.P.ARTHI Advocate on payment of necessary charges

CRL OP.8804/2020

Date :17/06/2020

MK:15/07/2020

WEB COPY