

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.06.2020
CORAM:
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
CRL.O.P.No.8867 of 2020

S.Velmurugan

... Petitioner

Vs.

The State Rep. By its

The Sub-Inspector of Police,
Prohibition Enforcement Wing,
Perambalur Police Station,
Perambalur District.
Crime No.493 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.493 of 2020, on the file of the respondent police.

For Petitioners : M/s.T.Dharani

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

O R D E R

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 4(1)(g) of Tamil Nadu Prohibition Act, in Crime No.493 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that based on a secret information, an inspection was conducted by the respondent police and the petitioner was found in possession of 50 litres of fermented liquor in his agricultural field and it was seized by the respondent police.

3.The learned Additional Public Prosecutor submitted that the petitioner was found to be in possession of 50 litres of fermented liquor and other materials for preparation of illicit liquor in his agricultural field. The learned counsel further submitted that there is no previous case is pending as against this petitioner.

4. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the 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.I, Perambalur, 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 jointly deposit a sum of Rs.1,500/- (Rupees One 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 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.I,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
PERAMBALUR 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 T.DHARANI Advocate on payment of necessary charges

CRL OP.8867/2020

Date :17/06/2020

MK:14/08/2020