

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.8899 of 2020

1.Maickel @ Mykkal Raja
2.Madhan @ Madhan Kumar
3.Prakash

...Petitioners

-Vs-

The State Rep. By
Inspector of Police
Nangavalli Police Station,
Salem District.
Crime.No.285 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant Anticipatory Bail to the petitioners in the event of their arrest in Crime.No.285 of 2020 pending on the file of the respondent.

For Petitioner : Mr.M.Subash

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

ORDER

The petitioners, who were 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.285 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 two litres of ID Arrack, which was seized by the respondent police.

3. The learned Additional Public Prosecutor submitted that no previous case is pending against the petitioners.

4.Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to these 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.1, before on condition that the petitioners each 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 petitioners each 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 report before the respondent police, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/06/2020

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-I,
METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM [FOR INFORMATION].

3 THE ADDITIONAL PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

<https://hcservices.ecourts.gov.in/hcservices/>

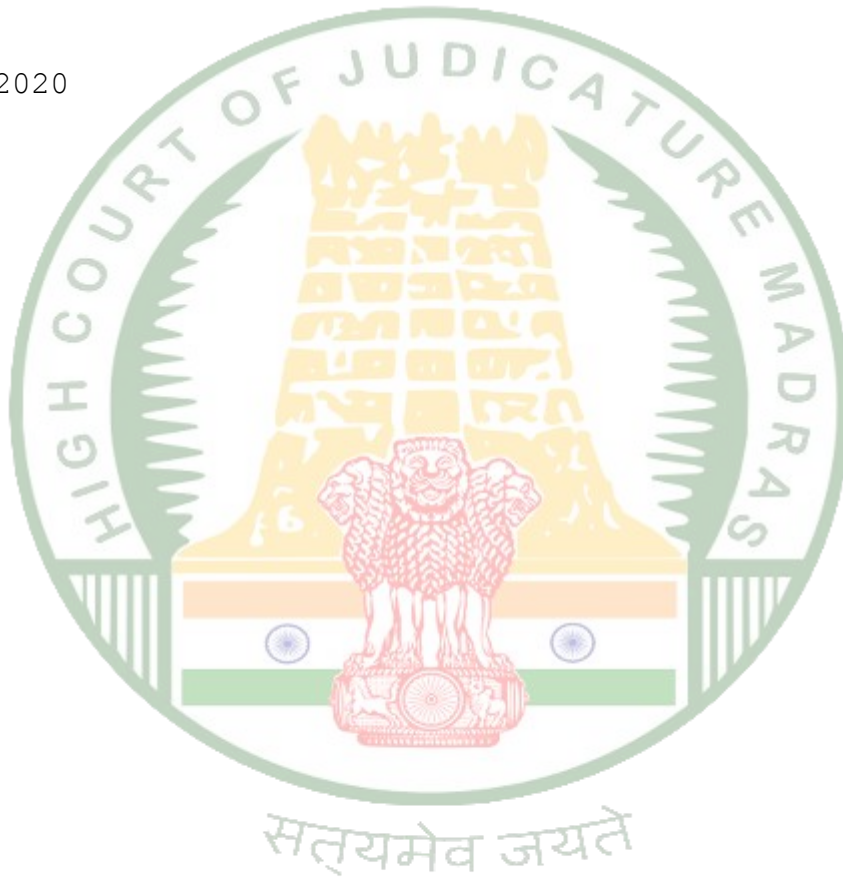
4 THE INSPECTOR OF POLICE,
NANGAVALLI POLICE STATION,
SALEM DISTRICT.

CC to M.SUBASH Advocate on payment of necessary charges

CRL OP.8899/2020

Date :18/06/2020

MN-TA-30/07/2020



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