

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 18.06.2020****CORAM****THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH****Crl.O.P No.8952 of 2020**

Elangovan

Petitioner

vs.

State rep. by
Inspector of Police
PEW Thiruthuraipoondi
Thiruvarur District

Respondent

Prayer: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant Anticipatory Bail to the petitioner in the event of his arrest in Crime.No.403 of 2019 pending on the file of the respondent.

For Petitioner : Mr.Swami Subramanian

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

The petitioner, who was arrested and remanded to judicial custody for an offence under Section 4(1)(aaa) of Tamil Nadu Prohibition Act in Crime No.403 of 2019 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 110 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 petitioner.

4. This Court is of the opinion that the petitioner can be directed to deposit a sum of Rs.1,500/- (Rupees One Thousand and Five Hundred 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. 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.

5. Considering the facts and circumstances, 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, Thiruvarur District on condition that the petitioner 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 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.1,500/- (Rupees One Thousand and Five Hundred only) directly to the **Tamil Nadu Advocate Clerks 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.

18.06.2020

Speaking Order/Non-Speaking Order
Index : Yes/No
vga



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To

1. The Judicial Magistrate,
Thiruvarur District.
- 2.State rep. by
Inspector of Police
PEW Thiruthuraipoondi
Thiruvarur District
3. The Additional Public Prosecutor,
High Court Madras.



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N. ANAND VENKATESH, J.

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