

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.9025 of 2020

1. Simbu @ Silamparasan

2. Yokkobu

..petitioners

/vs/

The State rep. by

Inspector of Police,

Vellavedu Police Station,

Thiruvallur District.

(Crime No. 1057 of 2020)

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of the Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No.1057 of 2020, on the file of the respondent police.

For petitioners : Mr.R.Thirumoorthy

For Respondent : Mr.M.Mohammed Riyaz,

Additional Public Prosecutor

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the allege offence punishable under Section 4 (1) (g), 4 (1) (a) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.1057 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 petitioners were in possession of 100 litres of fermented wash and 10 litres of ID Arrack and it was seized by the respondent police.

3.Heard the learned counsel appearing for the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that there are no previous cases

against the petitioners.

5. Taking note of the fact and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are 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-II, Poonamalle., on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) each 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 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 deposit a sum of Rs.2,000/- (Rupees two thousands only) each 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 petitioners shall report before the respondent police as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(e) the petitioners 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 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).

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

19/06/2020

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.II, PONNAMALLE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
VELLAVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE ADVOCATE CLERK ASSOCIATION
MADRAS HIGH COURT,MADRAS,CHENNAI
(Indian Bank, High Court Branch,
A/c No. 484026006, IFSC Code:IDIB000M157)

CC to M/S R.THIRUMOORTHY Advocate on payment of necessary
charges

CRL OP.9025/2020

Date :19/06/2020

RD 04/08/2020



WEB COPY