

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.9036 of 2020

Panneerselvam @ Panneer

...Petitioner

Vs.

State rep. By

....Respondent

The Inspector of Police,
Vaitheeswaran Kovil Police Station,
Nagapattinam District.
(Crime No.230 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of the Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.230 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr.M.Mohammed Riyaz,

Additional Public Prosecutor

सत्यमेव जयते

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the allege offence punishable under Section 4 (1) (g) and 4 (1-A) of of Tamil Nadu Prohibition Act and Section 188, 269 and 270 of IPC, in Crime No.230 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 petitioner was in possession of 15 litres of fermented wash and it was seized by the respondent police.

3.Heard the learned counsel appearing for the petitioner.

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

5.Taking note of the fact and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner are directed to deposit a sum of Rs.750/-(Rupees Seven Hundred and Fifty 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)and on such deposit, 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 Court, Sirkazhi, Nagapattinam 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.750/-(Rupees Seven Hundred and Fifty 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 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 COURT,
SIRKAZHI, NAGAPATTINAM.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VAITHEESWARAN KOVIL POLICE STATION,
NAGAPATTINAM DISTRICT.

5 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.M.VINOTH Advocate on payment of necessary charges

CRL OP.9036/2020

Date :19/06/2020

MN-TA-30/07/2020