

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.9095 of 2020

E.Gangatharan

..Petitioner

/vs/

State rep. by
Station House Officer
P.E.Wing. Police Station,
Kottakuppam Taluk,
Viluppuram District.
(Crime No.391 of 2020).

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of the Cr.P.C. to enlarge the petitioners herein on bail in the event of his arrest at the hands of the respondent police in Crime No.391 of 2020.

For petitioner : Mr.G.Tamilselvan

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)(A) and 4(1)(a) of Tamil Nadu Prohibition Act, in Crime No.391 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 40 litres of ID Arrack 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 six previous cases pending 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 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 District Munsif cum Judicial Magistrate, Vanur, 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.7,500/- (Rupees Seven 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 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

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VANUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICER,
PEW POLICE STATION
KOTTAKUPPAM TALUK
VILLUPURAM DISTRICT.

4 THE 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. G.TAMILSELVAN Advocate on payment of necessary
charges

CRL OP.9095/2020

Date :19/06/2020

cs 03/08/2020