

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12218 of 2020

M.Kalidhas

...Petitioner

/vs/

The State Rep by:
The Inspector of Police,
Barur Police Station,
Krishnagiri District.
(Crime No.330 of 2020)

...Respondent

Prayer : Criminal Original Petition filed under Section 438 of the Cr.P.C. To enlarge the Petitioner on anticipatory bail in the event of his arrest concerned in Crime No.330 of 2020, pending investigation on the file of the Respondent Police.

For petitioner : Mr.J.Prakasam

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the allege offence punishable under Section 4 (1) (g), 4(1) (b), 4(1) (a) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.330 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 illicit liquor of 2 bottles(each containing 180 ml) and 3 litres of ID Arrack and it was seized by the respondent police.

3. The learned counsel appearing for the petitioner submitted that earlier the petitioner was granted Anticipatory Bail in Crl.O.P.No.9078 of 2020 dated 19.06.2020 since the petitioner was unable to receive the order copy and he was not able to surrender within time.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that there are no 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 directed to deposit a sum of Rs.2000/- (Rupees Two Thousand 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, Pochampalli, 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.2,000/- (Rupees Two Thousand 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.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
13/08/2020

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,
POCHAMPALLI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BARUR POLICE STATION,
KRISHNAGIRI DISTRICT.

5 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. J.PRAKASAM Advocate on payment of necessary charges

CRL OP.12218/2020

Date :13/08/2020

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TA-15/09/2020