

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.15260 of 2020

PRABAKARAN @ CAPTAIN PRABAKARAN
S/o.Adhimoolam

... Petitioner

Vs.

The State Rep by its
The Inspector of Police
Paradarami Police Station
Gudiyattam Taluk
Vellore

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner in the event of arrest by the respondent police in Crime No.198 of 2020, on the file of the respondent police.

For Petitioner : Mr.Mohamed Rafi

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under **Sections 4(1) (a), 4(1-A) of Tamil Nadu Prohibition Act, 1937** in Crime No.198 of 2020, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 25 packets of ID Arrack, each containing 100 ml. Hence, the case was registered.

3. The learned Counsel for the petitioner would submit that the petitioner was originally granted anticipatory bail by this Court in Crl.O.P.No.9599 of 2020 by order dated 29.06.2020 with a direction to deposit a sum of Rs.20,000/- as non refundable deposit to the credit of Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram. However, due to financial condition, the petitioner was unable to raise funds and thereby, he was unable to surrender before the Court within the time fixed by this Court and thereby the earlier order got

lapsed. He would further submit that the petitioner has now taken demand draft for a sum of Rs.20,000/- in favour of the Arignar Anna Memorial Cancer Hospital & Research Institute Institute, Kancheepuram and that he is prepared to deposit the amount before the concerned authorities and to produce the proof before the concerned Court at the time of furnishing sureties. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was earlier granted anticipatory bail by this Court in Crl.O.P.No.9599 of 2020 by order dated 29.06.2020. However, he did not surrender and execute sureties within the time stipulated by this Court and thereby the earlier order got lapsed.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsels and the fact that the petitioner was earlier granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

[a] Accordingly, the petitioner is directed to pay a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of **Arignar Anna Memorial Cancer Hospital & Research Institute Institute, Kancheepuram**, by way of demand draft as non refundable deposit within fifteen (15) days from the date on which the copy of this order is made ready. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of payment of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for a like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stands dismissed automatically and on further condition that the petitioner shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] 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.

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of two weeks and thereafter, 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

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A.D.JAGADISH CHANDIRA, J.

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To

1. The Judicial Magistrate, Gudiyattam

2. The Inspector of Police
Paradarami Police Station
Gudiyattam Taluk

. The Public Prosecutor
High Court of Madras
Chennai



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