

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.12.2020

CORAM

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

CrI.O.P.No.16687 of 2020

G.M.Dhanu

... Petitioner

Vs.

State represented by
The Inspector of Police,
Sevvapet Police Station,
Chennai-600 097.
(Cr.No.2163 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. seeking to enlarge the petitioner on bail in the event of his arrest in Crime No.2163 of 2020 pending investigation on the file of the respondent police.

For Petitioner : M/s.Vijay Gurudass

For Respondent : Mr.M.Mohamed Riyaz.
Additional Public Prosecutor

O R D E R

(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 294(b), 353, 307 of IPC, r/w Section.4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.2163 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, the Inspector of Police is that based on the secret information, he had conducted inspection at petitioner's bar, during the enquiry the petitioner along with other accused had threatened the police and attempted to assault them and they were also found in possession of 76 brandy bottles and 50 bottles of other illegal ID arrack without any permission from the Government. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He further submitted that the accused have a proper

licenses under the provisions of the TNP Act from the concerned authorities to run the bar, which is valid till 30.09.2021 and also submitted that the first accused already been arrested and enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner along with other accused running a bar without permission from the Government and also attempted to assault the Inspector of police and also the petitioner was found in possession of illegal ID arrack. He further submitted that the petitioner have a previous cases. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate-II, Thiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 report before the respondent police every day at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
08/12/2020

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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,
CHENNAI-600 097.

CC to M/S.VIJAY GURUDASS Advocate on payment of necessary charges

CRL OP.16687/2020

Date :08/12/2020

cs 17/12/2020

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