

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18879 of 2020

Annamalai

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Uthangarai Police Station
Krishnagiri District
Crime No.1368 of 2020

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1368 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.K.Associates

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 alleged offences under Sections 294(b), 332 506(ii), 307 of IPC r/w 4(1) (a) of TN Prohibition Act in Crime No.1368 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 31.08.2020, based on a specific information, while the de-facto complainant/Sub Inspector of Police was trying to arrest the petitioner, who was selling liquor, the petitioner along with his wife/A3 abused the police party and induced A3 to assault the de-facto complainant and later, escaped from the scene of occurrence. The de-facto complainant seized 80 bottles each containing 180 ml of liquor.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is prepared to abide by any stringent condition that may be imposed on him by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with his wife/A3 attempted to assault the de-facto complainant and his police party while conducting raid and seized 80 bottles each containing 180 ml of liquor. He would further submit that the petitioner is involved in two previous cases for the offence under the Tamil Nadu Prohibition Act. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Uthangarai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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 until further orders.

[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.

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

-sd/-

07/12/2020

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,
UTHANGARAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.G.K.ASSOCIATES Advocate on payment of necessary charges Sr.8045

CRL OP.18879/2020

सत्यमेव जयते Date : 07/12/2020

RVR 11/12/2020

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