

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17847 of 2019

1 MAHALINGAM
2 VINOTHKUMAR

[PETITIONERS / ACCUSED]

vs

STATE REPRESENTED BY, [RESPONDENT]
THE INSPECTOR OF POLICE,
VADAPALANI POLICE STATION,
CHENNAI DISTRICT.
CR.NO. 268 OF 2019.

For Petitioner : M/S. T.MUTHUKRISHNAN Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 4(1)(i), 4(1)(a) r/w 24 of TNP Act in Crime No.268 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in possession of 42 bottles of ID Arrack. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence. He further submitted that the petitioners have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners were found in possession of 42 bottles ID Arrack.

5.Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.10,000/- to the Stanley Medical College, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioner each is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to the Dean, Stanley Medical College, Chennai, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Metropolitan Magistrate, Alandur on condition that each 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 petitioners 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 each shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to the Dean, Stanley Medical College, Chennai to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

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

[e] the petitioners 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 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]**.

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

-sd/-

08/07/2019

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,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VADAPALANI POLICE STATION,
CHENNAI DISTRICT.

5 THE DEAN,
STANLEY MEDICAL COLLEGE,
CHENNAI.

+1CC to M/S. T.MUTHUKRISHNAN Advocate on payment of necessary charges SR NO.13712

CRL OP.17847/2019

Date :08/07/2019

MK:17/07/2019

WEB COPY