

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.6869 of 2020

1. M.Kumar @ Venthakunar
2. K.Karthick

... Petitioners

Vs.

State rep. by
Inspector of Police,
PEW Police Station,
Marakkanam, Villupuram District.
(Crime No.76 of 2020)

....Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of arrest in connection with the Crime No.76 of 2020 on the file of the respondent Police.

For Petitioners : Mr.G.Mohammed Aseef

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

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 4(1)(aaa), 4(1-A) of TNP Act in Crime No.76 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on secret information, the respondent Police searched the house of the petitioners and found in possession of 162 litres and 166 bottles of liquor and 25 litres of ID arrack and it was seized by the respondent Police.

3. The learned counsel appearing for the petitioners would submit that the petitioners are not involved in the above offence and that they are no way connected with the offence as alleged by the prosecution. The learned counsel would further submit that the petitioners have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were found in possession of 162 litres and 166 bottles of liquor and 25 litres of ID arrack. He further submit that there is no previous case pending against the petitioners. He opposed for grant of anticipatory bail to the petitioners.

5.This Court is of the opinion that the petitioners can be directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) each as non-refundable deposit to the credit of the Tamil Nadu Advocate Clerk Association, High Court, Madras, without prejudice to their rights and contentions before the trial Court. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

6.Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are 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 - II, Tindivanam, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) each 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:

[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 petitioners shall deposit a sum of Rs.10,000/- (Rupees twenty thousand only) each to the credit of the Tamil Nadu Advocate Clerk Association, High Court, Madras.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of four 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 petitioner 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

12/06/2020

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, TINDIVANAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
PEW POLICE STATION, MARAKKANAM,
VILLUPURAM DISTRICT.

4 THE SECRETARY,
TAMIL NADU ADVOCATE CLERK ASSOCIATION,
HIGH COURT, MADRAS.

CC to M/S.G.MOHAMMED ASEEF Advocate on payment of necessary charges

CRL OP.6869/2020

Date :12/06/2020

RVR 07/08/2020

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