

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Cr1. O.P.No.7799 of 2020

1.V.Baskar (M/36)(A4),
S/o.Veeraperumal,
3/47, Pallivayal,
Amaradaki Post,
Avudayarkoil Taluk,
Pallivayal,
Pudukkottai – 614 618.

2.Rajini@RajiniKanth, (M/33)(A5)
S/o.Singaram,
11/6, Bharathiyar Street,
Kumarananthapuram,
Tiruppur - 641 602.

..Petitioners/Accused 4-5

Vs.

State represented by the Inspector of Police
Tiruppur North Police Station,
Tiruppur District.

..Respondent/Complainant

(Crime No.904 of 2020)

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioners : Mr.J.Franklin
For Respondent : Mr.M.Jothikumar
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for alleged offence punishable under Sections 4(1)(i), 4(1)(aa), 4(1-A) of TN Prohibition Act by the respondent police in Crime No. 904 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant on hearing that Brandy is being sold behind Mettupalayam TASMACH shop, on 18.04.2020 he paid a sum of Rs.200/- to A2 and got one glass of Brandy. On drinking the same, the defacto complainant found that the said Brandy was poisonous. On the next day, the defacto complainant gave a complaint to the respondent Police. The respondent Police along with defacto complainant went for investigation. On seeing the Police party, A1 and A2, who were

selling Brandy tried to escape. When they were caught by the respondent Police, they confessed that the petitioners and others only gave Brandy to them to be sold to the public. A1 and A2 mixed thorn-apple for more intoxication. On complaint, case has been registered under Sections 4(1)(i), 4(1)(aa), 4(1-A) of TN Prohibition Act.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent, they have been falsely implicated in the case and they have not committed any offence as alleged by the prosecution. The petitioners are permanent residents and they will not abscond anywhere and they are ready to furnish sureties and abide by any conditions that may be imposed by this Court and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that 52 litres of Brandy to A1 and A2, who mixed thorn-apple for more intoxication and sold to the public. The Chemical report is awaited and investigation is pending and prayed for dismissal of the petition.

5.Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Considering the nature of allegations made against the petitioners, nature of offence and the submissions of the learned counsel on either side, 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 their arrest or on their appearance within 15 days from the date of receipt of a copy of this order before the Court of Judicial Magistrate No-I, Tiruppur, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 Judicial Magistrate No.I, Tiruppur, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(i)The petitioners and the sureties shall affix their photographs and Left

Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities;

(ii)The petitioners shall report before the respondent Police once in a week on every Monday at 10.30 a.m., until further orders;

(iii)The petitioners shall not abscond either during investigation or trial. The petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv)On breach of any of the aforesaid conditions, the concerned Trial Court is entitled to take appropriate action against the petitioners in accordance with law, as laid down in the decision of the Hon'ble Supreme Court reported in **(2005) AIR SCW 5560, [P.K.Shaji Vs. State of Kerala]** and

(v)If the accused thereafter absconds, a fresh First Information Report can be registered under Section 229A of IPC.

7.Accordingly, the Criminal Original Petition is allowed.

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Index : Yes / No

Internet : Yes / No

V.M.VELUMANI, J.,

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To

1.The Inspector of Police
Tiruppur North Police Station,
Tiruppur District.

2.The Public Prosecutor,
High Court,
Madras.



Crl. O.P.No.7799 of 2020

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