

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P No.9111 of 2020

1. S.Sri Valli

2. K.Kamaleswaran

... Petitioners

Vs.

State rep. by its
The Inspector of Police,
Villupuram West Police Station,
Villupuram District.
(Crime No.853 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 Crime No.853 of 2020 on the file of the respondent Police.

For Petitioners : Mr.J.Pradeep

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 4(1)(a) & 4(1-A) of TNP Act in Crime No.853 of 2020 on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners were found in possession of 10 litres of ID arrack illegally. Hence, a case was registered against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they 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 10 litres of ID arrack. He further submit that there are four previous cases pending against the petitioners. He opposed for grant of anticipatory bail to the petitioners.

5. Considering the submission made by the learned counsel appearing for the petitioners, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) each as non refundable deposit to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** without prejudice to his 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 note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, each of the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non refundable deposit to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, within a period of fifteen days from the date on which the order copy made ready and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-I, Villupuram, on condition that the petitioners 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 petitioners shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) each to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** and shall produce the said receipt before the Court below.

[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.

G.K.ILANTHIRAIYAN, J.

asi

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

22.06.2020

asi

To

1. The Inspector of Police,
Villupuram West Police Station,
Villupuram District.
2. The Public Prosecutor,
High Court of Madras,
Madras.

Crl.O.P No.9111 of 2020