

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

DATED 23.06.2020

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THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Criminal Original Petition Nos.9178, 9179 and 9202 of 2020
(Heard through video conferencing)

MURUGESH@ MURUGESHKUMAR

S/o Mathiyalagan
No.3/600, Vilangadu
Idumbavanam Village,
Thiruthuraipoondi Taluk,
Thiruvarur District.

... Petitioner in Crl.O.P.No.9178/ 2020

AYYAPPAN

S/o Selladurai,
No.3/115, Vilangadu
Idumbavanam Village,
Thiruthuraipoondi Taluk,
Thiruvarur District.

... Petitioner in Crl.O.P.No.9179 /2020

MANO@ BALAMURUGAN

S/o Manisekaran,
No.3/105, Vilangadu
Idumbavanam Village,
Thiruthuraipoondi Taluk,
Thiruvarur District.

... Petitioner in Crl.O.P.No.9202 / 2020

VS

State rep. by
Inspector of Police
Muthupettai Police station,
Thiruvarur District
Crime No.1161 of 2020

... Respondent in all Crl.O.Ps

Common Prayer:- This Criminal Original Petition has been filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No.1161 of 2020 on the file of the the Inspector of Police Muthupettai Police Station, Thiruvarur District.

For Petitioner
in All Crl.O.Ps : Mr.Swamisubramanian

For Respondent : Mr.M.Mohamed Riyaz
in All Crl.O.Ps Additional Public Prosecutor

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(aa), 4(1)(g) r/w 4(1-A) of TNP Act., in Crime No.1161 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 50 liters of Fermented wash each, illegally. Hence, the 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 submitted that small quantity of Fermented wash was seized from the petitioners. He further submitted that there is no previous case pending against 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.5,000/- (Rupees Five Thousand only) each as non refundable deposit to the credit of the **Chief Justice Relief Fund, Madars High Court, Chennai** 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 note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each as non refundable deposit to the credit of the **Chief**

Justice Relief Fund, Madars High Court, 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, Thiruthuraipoondi, Thiruvarur District, on condition that each of 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] each of the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the credit of the **Chief Justice Relief Fund, Madars High Court, 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.

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

23.06.2020

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To

1.The Judicial Magistrate,
Thiruthuraipoondi,
Thiruvarur District.

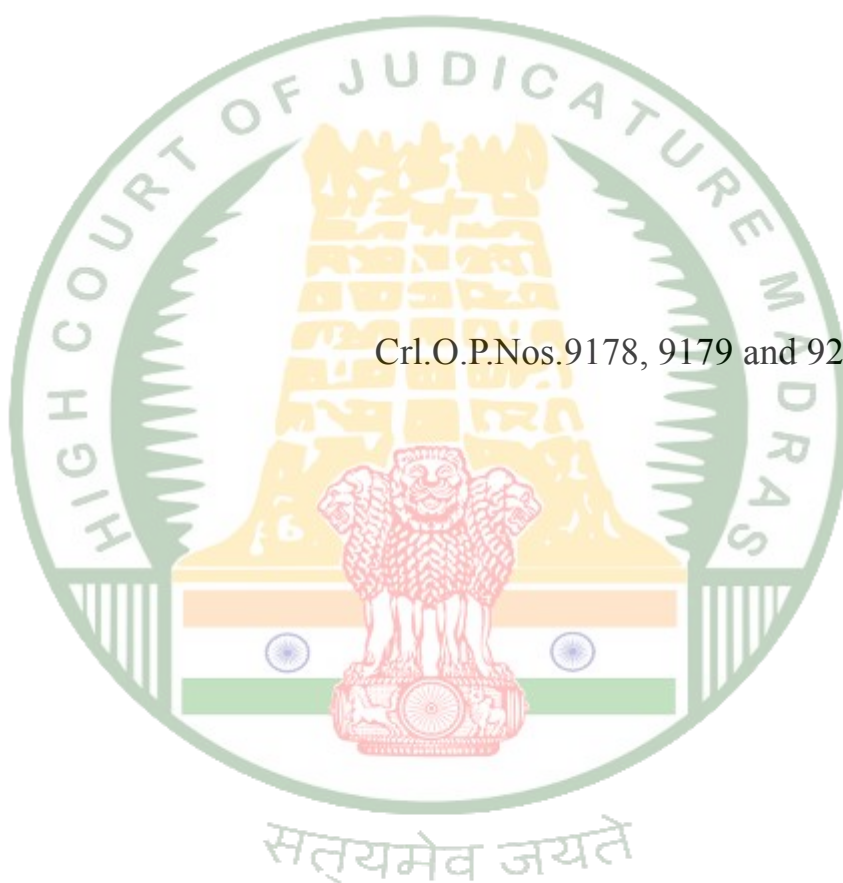
2.The Public Prosecutor,
High Court, Madras.

3.The Inspector of Police
Muthupettai Police station,
Thiruvarur District

Crl.O.P.Nos.9178, 9179 and 9202 of 2020

G.K.ILANTHIRAIYAN.J.,

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