

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.9606 of 2020

1. Velu

2. Prabhu

... Petitioners

/vs/

State rep. By,  
The Inspector of Police,  
S-10, Pallikaranai Police Station,  
Chennai.

(Crime No.722 of 2020)

... Respondent

Prayer : Criminal Original Petition has been filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with in Crime No.722 of 2020 on the file of the respondent police.

For Petitioner : Mr. D. Amalraj

For respondent : Mr. Mohamed Riyaz,  
Addl. Public Prosecutor

ORDER

Though the earlier petition filed by the petitioners was dismissed by some other Judge of this Court, due to pandemic Corona, this Court is inclined to take the petition for hearing.

2. The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1)(g) r/w. 4(1-A) of Tamil Nadu Prohibition Act, seeks anticipatory bail.

3. The case of the prosecution is that on 14.05.2020, the petitioners have prepared 10 litres of Ooral to manufacture the poisonous arrack. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the petitioners are no way connected with the offences as alleged by the prosecution. Therefore, they pray to grant anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that there is no previous case as against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

6. Considering the above fact and circumstances of the case and also considering the fact that no previous case is pending as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, this Court is of the opinion that 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, Adayar, 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.

8. Accordingly, 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 the Cancer Institute (WIA), East Canal Bank Road, Adayar, Chennai within a period of fifteen days from the date on which the order copy made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-II, Alandur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 report before the respondent police daily at 10.30 a.m., from 06.07.2020 for a period of four weeks and thereafter as and when required for interrogation.

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

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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].

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

-sd/-

29/06/2020

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, ALANDUR.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
S-10, PALLIKARANAI POLICE STATION,  
CHENNAI.

4 THE CANCER INSTITUTE (WIA),  
EAST CANAL BANK ROAD,  
ADAYAR, CHENNAI

CC to M/S.D.AMALRAJ Advocate on payment of necessary charges

CRL OP.9606/2020

Date :29/06/2020

cs 23/07/2020