

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 9654 of 2020

1. K. Veerasamy
2. V. Dilipkumar
3. M. Karnan
4. A. Chotti John

... Petitioners

Vs.

State Rep. by
The state rep by,
The Inspector of Police,
P.E.W. Tirupattur,
Tirupattur District.
(Crime No.208/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.208 of 2020 on the file of the respondent police.

For Petitioners : Mr. D.Jagadeesan

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

O R D E R

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable Under Sections
4(1) (aaa), 4(1-A), 120B, 468, 471, 420, 328 of I.P.C 6 and 7 of the TN
RECTIFIED SPIRIT RULES 2000 in Crime No.208 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 480 liters of rectified spirit illegally.
Hence, a case was registered against the petitioner.

3. The learned counsel appearing for the petitioners would
submit that the petitioners have been falsely implicated in this case
based on the confession statement given by one Shantha. Hence, he
prays to grant anticipatory bail to the petitioners.

4. 4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners were in possession of 480 litres of rectified spirit and the petitioners also involved one previous case Hence, he opposed 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.15,000/- (Rupees fifteen thousand only) jointly as non refundable deposit to the credit of the Arignar Anna Memorial Cancer Hospital & Research Institute, Kanchipuram, 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 his 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.15,000/- (Rupees fifteen thousand only) jointly as non refundable deposit to the credit of the Arignar Anna Memorial Cancer Hospital & Research Institute, Kanchipuram, 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 his appearance before the learned Judicial Magistrate-I, Tirupattur, on condition that each of the petitioners shall execute a separate 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.15,000/- (Rupees fifteen thousand only) jointly to the credit of the Arignar Anna Memorial Cancer Hospital & Research Institute, Kanchipuram 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

-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.I, TIRUPATTUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
P.E.W., TIRUPATTUR,
TIRUPATTUR DISTRICT.

4 THE ARIGNAR ANNA MEMORIAL CANCER HOSPITAL
& RESEARCH INSTITUTE, KANCHIPURAM.

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

WEB COPY

CRL OP.9654/2020

Date :29/06/2020

cs 03/08/2020