

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 9694 of 2020

V.Malmurugan @ Malmarugan

... Petitioner/ 4th Accused

Vs.

The State represented by
The Inspector of Police,
Naduverapattu Police Station,
Cuddalore District.
(Crime No. 275 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with the Crime No.275 of 2020 on the file of respondent police.

For Petitioner : Mr.T.Balachandran

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

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1)(b), 4(1)(g) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.275 of 2020, seeks anticipatory bail.

2 It is the case of the prosecution that the petitioner was found in possession of 29 liters of ID Arrack, illegally. Hence, a case was registered against the petitioner.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of ID Arrack involved is 29 liters. He further submitted that there is no previous case pending against the petitioner.

5 Considering the submission made by the learned counsel appearing for the petitioner, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of the Chief Justice Relief Fund, Madars High Court, Chennai, without prejudice to his rights and contentions before the trial Court. Merely, because the petitioner has 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 petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) 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 petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Cuddalore, Cuddalore District, on condition that the petitioner 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 petitioner 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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, CUDDALORE, CUDDALORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
NADUVERAPATTU POLICE STATION,
CUDDALORE DISTRICT.

4 THE SECTION OFFICER
ACCOUNTS SECTION,
THE CHIEF JUSTICE RELIEF FUND,
MADRAS HIGH COURT, CHENNAI.

CC to M/S. T.BALACHANDRAN Advocate on payment of necessary charges

सत्यमेव जयते

WEB COPY

CRL OP.9694/2020

Date :29/06/2020

cs 03/08/2020