IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10110 of 2020

1 Lakshmi

2 Kaliyappan ...Petitioners

Vs.

State Rep. by
The Sub Inspector of Police,
Prohibition Enforcement Wing,
Uthangarai,
Krishnagiri District. ... 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.484 of 2019 on the file of the respondent police.

For Petitioners : Ms.R.Thulasi

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-A), 4(1)(i) of Tamilnadu Prohibition Act, in Crime No.484 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 4 litters 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 have been falsely implicated in this case and they are innocent persons. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of ID Arrack involved is 4 litters. He further submitted that there are no previous cases pending against the petitioners. Hence he opposed to grant anticipatory bail to the petitioners.

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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) as non refundable deposit to the credit of the Madras High Court Advocates Clerks Welfare Association A/c.No.484077244 (IFSC Code:IDIB000M157) 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) as non refundable deposit to the credit of the Madras High Court Advocates Clerks Welfare Association A/c.No.484077244 (IFSC Code:IDIB000M157) 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 District Munsif - cum - Judicial Magistrate, Pochampalli, on condition that each of 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 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.5,000/- (Rupees five thousand only) to the credit of the Madras High Court Advocates Clerks Welfare Association A/c.No.484077244 (IFSC Code:IDIB000M157) 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.

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

-sd/-
03/07/2020

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 DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
POCHAMPALLI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
UTHANGARAI, KRISHNAGIRI DISTRICT.

5 THE MADRAS HIGH COURT ADVOCATES CLERKS
WELFARE ASSOCIATION A/C.NO.484077244
(IFSC CODE:IDIB000M157)

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CC to M/S. R.THULASI Advocate on payment of necessary charges

CRL OP.10110/2020

Date :03/07/2020

MK:17/08/2020

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