

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10332 of 2020

1. K.S.Moorthy
 2. T.Boopathi
 3. S.Shanmugham
- ... Petitioners/Accused

Vs.

The State represented by,
The Inspector of Police,
Kangayam Police Station,
Tirupur District. ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.1117 of 2020 pending on the file of the respondent.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The Petitioners who apprehend arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 4(1)(aaa), 4(1)(i) of Tamil Nadu Prohibition Act, (Transport), subsequently altered into Sections 4(1)(aaa), 4(1)(i) of Tamil Nadu Prohibition Act (Transport) read with Section 7 of Tamil Nadu Prohibition Act and Section 34 of IPC in Crime No. 1117 of 2020, have filed this Criminal Original Petition, under Section 438 of Cr.P.C, seeking anticipatory bail.

2.The case of the prosecution is that the petitioners, who are employees of TASMAL, along with the other accused were found in illegal possession of 1152 bottles of liquor x 180 ml.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case based on the statement recorded from the arrested accused. He would further submit that the other accused persons have been enlarged on bail. Therefore, he prays to grant anticipatory bail to the petitioners. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their defence, are prepared to deposit considerable amount to the Chief Minister's Relief Fund.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there is no previous case against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

(a) The petitioners are directed to deposit a sum of Rs.20,000/- each as non-refundable either through RTGS/NEFT in favour of the **Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c.No.117201000000070, IFSC Code. No.IOBA0001172,** within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioners are directed to be released on bail in the event of their arrest or their appearance and on production of proof of deposit of the above amount and on further condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for the likesum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioners shall also give an letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] 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.

[c] the petitioners shall report before the respondent police every Monday at 10.30 am until further orders.

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

6. With the above directions, the criminal original petition is ordered.

7. For reporting compliance, post on 31.07.2020.

-sd/-
09/07/2020

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 JUDICIAL MAGISTRATE,
KANGAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANGAYAM POLICE STATION,
TIRUPUR DISTRICT

5 THE CHIEF MINISTER'S PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK, SECRETARIAT BRANCH,
CHENNAI SB.A/C.NO.117201000000070,
IFSC CODE. NO.IOBA0001172

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges

CRL OP.10332/2020

Date :09/07/2020