

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.07.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11204 of 2020

1. C.Seenivasan
2. S.Muniyappan @ Senthil ... Petitioners
Vs.

The State Rep. by
The Inspector of Police
Karimangalam Police Station
Dharmapuri District.
(Crime No.370 of 2020) ... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Connection with the Crime No.370 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.C.Palanisamy

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 4(1)(a) read with 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.370 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 12.04.2020, the petitioners were found in illegal possession of 6 liters of country made Arrack which contained prohibited substances and thereby, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. On instruction, he would further submit that without prejudice to his defence, the petitioners are prepared to deposit considerable amount to any charitable Organization or Association. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners were found in illegal possession of

6 liters of country made Arrack which contained prohibited substances. He would further submit that there is no previous case as against these petitioners. However, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. In order to curb the illegal activities, this Court is of the opinion that each of the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non-refundable deposit to the **"Bar Council of Tamil Nadu and Puducherry (BCTNP) Advocates Relief Fund, Account No:6873278505, Indian Bank, Madras High Court Branch with IFSC Code - IDIB000M157"** without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioners deposits 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.

7. Taking note of the facts and circumstances, 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.15,000/- (Rupees Fifteen Thousand only) each, as non-refundable deposit to the **"Bar Council of Tamil Nadu and Puducherry (BCTNP) Advocates Relief Fund, Account No:6873278505, Indian Bank, Madras High Court Branch with IFSC Code - IDIB000M157"** within (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 on their appearance and on production of proof of deposit of the above amount and on further condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for a like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stands dismissed automatically and on further condition that the petitioners shall also give a 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 respondent/police 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 and Friday at 10.30 a.m., until further orders.**

[d] the petitioners shall not tamper with evidence or interfere with the ongoing 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 is 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.

8. With the above directions, this Criminal Original Petition is ordered.

Post the matter for "reporting compliance" on 21.08.2020.

-sd/-
31/07/2020

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, PALACODE
- 2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT[FOR INFORMATION]
- 3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.
- 4 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION, DHARMAPURI DISTRICT.
- 5 THE BAR COUNCIL OF TAMIL NADU
AND PUDUCHERRY (BCTNP) ADVOCATES RELIEF FUND,
A/C NO.6873278505, INDIAN BANK,
MADRA HIGH COURT BRANCH WITH
IFS CODE IDIB000M157

CC to C. PALANISAMY Advocate on payment of necessary charges

CRL OP.11204/2020
Date :31/07/2020