

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.13902 of 2020

1.T.Magalingam,
S/o.Thopallan

2.C.Vinothkumar,
S/o.Chinnasamy

... Petitioners/ Accused

Vs.

The State Represented by,
The Inspector of Police,
Vadapalani Police Station,
Chennai District.

(Crime No. 268 of 2019) ...Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Connection with the Crime No. 268 of 2019 pending on the file of the Inspector of Police, Vadapalani Police Station, Chennai District.

For Petitioners : Mr. C.Prabakaran

For Respondent : Mr. M. Mohammed Riyaz,

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(j), 4(1)(a) r/w 24 of TNP Act, in Crime No.268 of 2019, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that the petitioners were found in illegal possession of 42 bottles of ID Arrack. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners were granted anticipatory bail in Cr1.O.P.No.17847 of 2019, with a condition that deposit an amount of RS.10,000/-, to the Dean, Stanley Medical College, Chennai and due to

their poor financial status, the petitioners were unable to deposit the amount and they were unable to surrender before the Court and thereby, the order passed by this Court on 08.07.2019, has been lapsed. Thereafter, due to Covid-19 pandemic, the petitioners were unable to file fresh application and the petitioners have filed a petition for extension of time in CrI.M.P.No. 4778 of 2020 was also dismissed with a liberty to file a fresh application and thereby, the petitioners have filed this fresh application.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were granted anticipatory bail on 08.07.2019, with a condition to deposit an amount of Rs.10,000/- to the Dean, Stanley Medical College, Chennai, for the purpose of treating the alcohol influenced patients and that the petitioners have not paid the amount and have not surrendered before the Court.

5 Taking into consideration the facts and submissions made by the learned counsel and that the petitioners were earlier granted bail with a condition, this Court is inclined to grant anticipatory bail subject to the following conditions:

6 According, the each petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the Dean, Stanley Medical College, Chennai and on such payment and production of proof of receipt the petitioners are ordered be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alandur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
08/09/2020

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,
ALANDUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VADAPALANI POLICE STATION,
CHENNAI DISTRICT.

4 THE DEAN STANLEY MEDICAL COLLEGE,
CHENNAI

+1CC to M/S C.PRABAKARAN Advocate on payment of necessary charges sr no.6181

WEB COPY

CRL OP.13902/2020

Date :08/09/2020

RD 14/09/2020