

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 15452 of 2020

P.Kumaravelu

... Petitioner/2nd Accused

Vs.

The State represented by, ... Respondent/Complainant

The Inspector of Police,
Puduchatram Police Station,
Cuddalore District.

[Crime No. 70 of 2020]

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No. 70 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Shanmugasundaram

For Mr.Ganesh Rajan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1) (i), 4(1-A), (1) of TNP Act r/w 328, 304(ii) of IPC, in Crime No. 70 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Saranraj, who is a Village Administrative Officer of Thirthanagiri is that on 13.04.2020 around 08.00 p.m., his father went out and returned back to home by 10.00 p.m., and his father has expressed some discomfort i.e., irritation in his eyes and pain in the stomach and when the defacto complainant had enquired his father, he had informed that three other persons from his village were having some illicit liquor and he had purchased two glasses from them and consumed it. Thereafter, his father had

slept in the night and next day morning again his father had felt discomfort and therefore, he was taken to the hospital and on the way he passed away. Based on the complaint, a case in Crime No.70 of 2020 was registered for the offence under Section 174 of Cr.P.C. During the course of investigation, it was found that other accused had prepared illicit liquor by mixing Methanol and had given it to the defacto complainant's father, who died after consuming it. Two other persons who consumed the illicit liquor had also passed away and three other persons were admitted in the hospital.

3 The Learned Senior Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement given by one of the accused. He would submit that the petitioner is working as Manager, Raw Materials in Tagros Chemicals India Private Limited, at Cuddalore and one of the contract labours viz., Kumaresan/A1 has committed theft of Methanol from the factory without the knowledge of the administration and he had taken it to his village and there he had mixed it with water and supplied to the other residents of the village, and three persons who have consumed the same died. The petitioner being the Manager of the factory, cannot be held responsible for the theft of methanol and illegal preparation of Arrack committed by a contract employee. He would submit that the incident took place on 14.04.2020 and based on the registration of FIR, licence of the petitioner's company was suspended and a show cause notice was also issued to the company in proceedings in Proc.No. P&E 8(2)/2492/2020, dated 05.06.2020 by the commissioner of Prohibition and Excise, Chepauk, Chennai - 600 005 and later on the reply given by the company the suspension order has been revoked and the Company is allowed to continue with its operations. He would submit that the petitioner is implicated based on the confession from a contract labour Kumaresan/A1 who has committed theft of methanol from the factory. The learned senior counsel would further submit that during the enquiry conducted by the Commissioner of Prohibition and Excise, it had been proved that the contents of the CCTV footages had been verified and they have been handed over to the Investigating Authorities and it also showed that A1/Kumaresan was not seen either entering into the factory with the bottle or getting out of the factory with the bottle of methanol. Further there is no material to substantiate that the petitioner is the person who handed over the Methanol to A1 and thereby, would seek for anticipatory bail to the petitioner.

4 The respondent has filed detailed counter.

5 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the Factory Manager of Tagros Chemicals India Private Limited engaged in the business of manufacturing Methanol. A1/Kumaresan had confessed that he had asked the petitioner and the petitioner had informed him that Methanol mixed with water comes intoxication and he had also handed over one bottle of Methanol to A1/Kumaresan. Thereafter, A1/Kumaresan had taken the bottle out of the factory and had mixed it with water and lemon juice and also prepared an

illicit liquor and offered it to the other victims, by consuming it, 3 persons died and 3 were admitted into the hospital. Further he would submit that the investigation has been completed and charge sheet has also been filed before the concerned court however he opposed for grant of anticipatory bail to the petitioner.

6 Heard both the learned counsels and perused the materials placed on record.

7 Taking into consideration the facts and submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

8 Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned District Munsif cum Judicial Magistrate, Parangipettai, on condition that the petitioner shall execute a 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 report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
07/10/2020

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, PARANGIPETTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PUDUCHATRAM POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S. GANESH RAJAN Advocate on payment of necessary charges SR.NO.6918

CRL OP.15452/2020

Date :07/10/2020

TA-15/10/2020

WEB COPY