

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.76 of 2021

1.Tamilarasu

2.Chandran

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thirukalukundram Police Station,
Kanchipuram.

(Crime No. 917 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail, in the event of arrest in Crime No. 917 of 2020, pending investigation on the file of the Inspector of Police, Thirukalukundram Police Station, Kanchipuram.

For Petitioners : Mr.D.Devendran

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

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 offences punishable under Section 4(1)(aaa) & 4(1-A) of Tamilnadu Prohibition Act r/w Section 6 & 11 of TN Rectified Spirit Rules 2000, in Crime No. 917 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 18.09.2020, the petitioners were found in possession of 105 ltrs of ID Arrack. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that the petitioners were found in possession of 105 ltrs of ID Arrack. He would also submit that co accused / 2nd petitioner has 1 previous case against him.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to 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 District Munsif cum Judicial Magistrate, Thirukalikundram, 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, 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 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 appear before the respondent police daily at 10.30 am, until further orders.

[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 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/-
11/01/2021

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,
THIRUKALIKUNRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUKALUKUNDRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S.D.DEVENDRAN Advocate on payment of necessary charges

CRL OP.76/2021

Date :11/01/2021

MK:08/02/2021

WEB COPY