

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3048 of 2021

1. Arjunan  
2. Captain Prabhakaran @ Prabhakaran ... Petitioners

-Vs-

State rep by,  
The Inspector of Police,  
Thiruthani Police Station,  
Tiruvallur District.  
(Crime No.1224 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 their arrest in Crime No.1224 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan  
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 Sections 4(1)(g), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.1224 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused persons had prepared to county liquor and selling. Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. He would further submit that A1 and A2 have been arrested thereafter

they were released on bail by the Principal District and Sessions Judge, Tiruvallur in O.L.B.No.642 of 2020 dated 28.05.2020. Based on the confession of A1 and A2, they were implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners along with other accused persons had prepared to county liquor and selling. He would further submit that A1 and A2 have been arrested thereafter they were released on bail by the Principal District and Sessions Judge, Tiruvallur in O.L.B.No.642 of 2020 dated 28.05.2020. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that the co-accused had been released on bail and there is no previous case pending as against the petitioners. this Court is inclined to grant anticipatory bail to the petitioners with certain 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 on which the order copy made ready, before the learned Judicial Magistrate, Thiruthani, on condition that the petitioners shall execute a separate 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 report before the respondent Police daily 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<sup>t</sup> 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/-  
24/02/2021

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 JUDICIAL MAGISTRATE,  
THIRUTHANI.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,  
TIRUVALLUR.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
THIRUTHANI POLICE STATION,  
TIRUVALLUR DISTRICT.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

WEB COPY

CRL OP.3048/2021

Date :24/02/2021

cs 08/04/2021