

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No. 5683 of 2021

1.M.Damothiran
2.Jayachandran

... Petitioners

-Vs-

The State
Represented by the Station House Officer,
Kadampuliyur Police Station,
Cuddalore District.
(Crime No. 392 of 2020)

.... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of his arrest pending investigation in Crime No. 392 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.Balasubramaniam
For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(aa), 4(1-A), 14 of TN Prohibition Act, in Crime No. 392 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that on 29.04.2020 while conducting a routine inspection at about 8.30 hours near the second petitioner house, the petitioners who, came in a un-numbered two-wheeler, dropped the bags containing 60 litres of arrack and flew from the spot. Hence, the complaint was registered in Crime No.392 of 2020.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they are no way connected with this crime and they have been falsely implicated in this case. The learned counsel for the petitioner further submitted that the petitioners are not having any bad antecedents and would abide by the conditions to be imposed by this Court. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent/police would submit that the petitioner is illegally having 60 litres of arrack and vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and further there is no previous case 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate II, Panruti, on condition that each of the petitioners 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, 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 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/-
22/03/2021

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,
NO.II, PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
KADAMPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S. K.BALASUBRAMANIAM Advocate on payment of necessary charges SR.No.3849

सत्यमेव जयते

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CRL OP.5683/2021
Date :22/03/2021

cs 30/03/2021