



IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED: 14..07..2021

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.11607 of 2021

1.Ramasamy
2.Kutti @ Kumar

... Petitioners

-Versus-

State Rep. by
The Inspector of Police,
Mangalam Police Station,
Thiruvannamalai District.
[Crime No.50 of 2021]

... Respondent

This Criminal Original Petition is filed under Section 438 of Cr.P.C. seeking to enlarge the petitioners on bail in the event of their arrest pending investigation in Cr.No.50 of 2021 on the file of the respondent.

For petitioners : Mr.R.Balakrishnan

For respondent : Mr.J.C.Durairaj, GA (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.50 of 2021 on the file of the respondent police registered for the alleged offence u/s 4(1)(aa) r/w 4(1-A)(ii) of Tamil Nadu Prohibition Act, seek anticipatory bail.

2. The case of the prosecution is that when the respondent police were on prohibition raid, the petitioners were found possession of two big mud pots each containing 30 litres of I.D. Arrack.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocents of alleged offence and they have been falsely implicated in the case. They are ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

4. The learned Additional Public Prosecutor opposed the petition stating that the petitioners are habitual offenders and the 1st petitioner has involved in fifteen other cases of similar nature while the 2nd petitioner has involved in two previous cases of similar nature and if the petitioners are released on bail.



5. This is second petition for anticipatory bail. A1, who was arrested and remanded to judicial custody had been released on bail. The petitioners have been implicated based on the confession of A1 and the recovery also made from A1. The substantial part of investigation is over with the seizure of the contraband and the petitioners were not arrested by the police till date. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :-

a) 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 Judicial Magistrate-II, Thiruvannamalai, on each of them executing 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks as and thereafter as and when required by the police for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 have been released on bail by the learned Magistrate himself /Trial Court as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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



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

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-sd/-
14/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.BALAKRISHNAN Advocate on payment of necessary charges

CRL OP.11607/2021

Date :14/07/2021

MK:16/07/2021