

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7136 of 2021

1 SARALA
2 PARTHIPAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MADHURANTHAGAM POLICE STATION,
KANCHEEPURAM DISTRICT
(CR.NO.150/2021) [RESPONDENT]

For Petitioner : M/S.R.SASIKUMAR Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 4(1) (aaa), 4 (1-A) of TNP Act r/w 7 and 11 of Rectified Spirit Rules 2000 in Crime No.150 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners were in possession of 1008 Brandy bottles, each containing 180 ml. Hence the complaint.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners. He further submits that the second petitioner, wilfully and on his own volition agrees to pay any reasonable cost to any charitable institution as may be imposed by this Court

4.The learned Government Advocate (Crl.Side) submits that the petitioners were in possession of 1008 Brandy bottle each containing 180 ml. He further submits that the first petitioner is having 3 previous cases and so far as second petitioner is concerned there is no previous case pending against him. However, he vehemently opposed grant of anticipatory bail to the petitioners.

5.Considering the fact that there are 3 previous case pending against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner and this petition as against the first petitioner is dismissed. However, there being no previous case against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner.

6. Taking into consideration the submissions advanced on behalf of the petitioners and also the fact that the second petitioner, wilfully and on his own volition agrees to pay any reasonable cost to any charitable institution as may be imposed by this Court, the second petitioner/A3 is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Madhuranthakam on condition that the second petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty 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 and on further condition that:

(a) the second petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five Thousand Only) as non-refundable deposit either through RTGS/NEFT or by cash/demand draft in favour of "The Dean, Chengalpattu Medical College and Hospital" for the purpose of development of the hospital and produce proof of such payment of the above amount to the Judicial Magistrate, Madhuranthakam, at the time of release on bail;

(b) the second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the second petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(d) the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the second petitioner 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 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/04/2021

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,
MADHURANTHAKAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MADHURANTHAGAM POLICE STATION,
KANCHEEPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEAN, CHENGALPATTU
MEDICAL COLLEGE AND HOSPITAL,
CHENGALPATTU

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
Sr.4934

CRL OP.7136/2021

Date :17/04/2021

RVR 04/05/2021