

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2021

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI. O.P. No.8382 of 2021

1.Magesh,
S/o.Radhakrishnan,
No.138 B, 10th Cross Street,
Ganga Reddy Garden, Neelangarai,
Chennai 600 041.

2.Manoj,
S/o.Radhakrishnan,
No.12, Tiger Varadhachari,
1st Street, Besant Nagar,
Chennai 600 090.

.. Petitioners/ Accused

Vs.

The State Represented by
The Inspector of Police,
PEW Gummidipoondi Police Station,
Thiruvallur District.
[Crime No.252 of 2019]

.. Respondent/ Complainant

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioners : Mr.D.Sam Nandakumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

O R D E R

(The matter is heard through "Video Conferencing/Hybrid mode")

The petitioners, who apprehend arrest for the alleged offences under Sections 4(1)(aaa) r/w. 4(1-A) of the T.N. Prohibition Act and 420 of IPC and Rule 7 & 11 of TN Rectified Spirit Rules 2000 (Transporting), in Crime No.252 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in possession of 500 Cans each containing 35 litres of rectified spirit. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners were innocent persons and they have been falsely implicated in this case. However, on instructions, the learned counsel for the petitioners submits that without prejudice to the rights of the petitioners, the petitioners 1 and 2 are ready to deposit an amount of **Rs.50,000/- and Rs.10,000/- respectively** to the **Chief Justice Relief Fund**. Accordingly, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners were found in possession of 500 Cans each containing 35 litres of rectified spirit and opposed for granting anticipatory bail to the petitioners as the 1st petitioner has 6 previous cases and the 2nd petitioner has no previous case.

5.Taking into consideration the facts and circumstances of the case and the submissions made on either side and the further fact that the petitioners are ready to abide by any condition that may be imposed by this Court, including deposit of any amount as may be directed, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions:

6.Accordingly, the petitioners 1 and 2 are directed to deposit non-refundable sum of Rs.50,000/- (Rupees Fifty Thousand only) and Rs.10,000/- (Rupees Ten Thousand Only) respectively to the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry) and on such deposit 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, Gummidipoondi on condition that the petitioners shall **each** 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners and 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 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 themselves 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.

-sd/-
05/05/2021

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, GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PEW GUMMIDIPOONDI POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE SECTION OFFICER,
ACCOUNTS SECTION,
THE CHIEF JUSTICE RELIEF FUND,
HIGH COURT MADRAS.

+1 CC to M/S.D.SAM NANDAKUMAR Advocate on payment of necessary charges SR.No. 6041

CRL OP.8382/2021

Date :05/05/2021

rg.12.05.2021