

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.9493 of 2021

1.Venkatesan
2.Elumalai

... Petitioners

Vs.

The State rep by
The Inspector of Police,
Arakandanallur Police Station,
Villupuram District.
(Crime No.244 of 2021)

.... Respondent

PRAYER: The Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.244 of 2021 on the file of the respondent police.

For petitioners : Mr.G.Mageshkumar

For Respondent : Mr.J.C.Durai Raj,
Government Advocate (Crl.Side)

O R D E R

The petitioners, who apprehend arrest for the alleged offences under Sections 4(1) (aaa), 4(1-A) of TN Prohibition Act, in Crime No.244 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The learned counsel for the petitioners submit that the false complaint has been given against the petitioners and they have not connected with the crime as alleged by the prosecution. Hence, he prays to grant of anticipatory bail to the petitioners.

3.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners were found in possession of 70 litres of I.D Arrack and on seeing the police the accused persons escaped from the place and thereafter the respondent police have found the identity of the petitioners. He would further submit that there is no previous case pending against these petitioners. However, he would vehemently oppose to grant of anticipatory bail to the petitioners.

4.This Court considered the submissions made by the learned counsel for the parties concerned and also perused the materials on record.

5.The Supreme Court has laid down the law regarding grant of anticipatory bail in the case of Gurbaksh Singh Vs. State (AIR 1980 SC 1632) and considering the fact that the custodial interrogation of the petitioners is not necessary and the fact that there is no apprehension that the petitioners may abscond, the petitioners is granted anticipatory bail in the event of their arrest or on their appearance, before the learned Judicial Magistrate, Thirukoilur, on condition that the petitioners shall execute his own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the respondent police or to the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and further condition that:

[a] the petitioners shall make himself available for interrogation by the police officer as and when required;

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall appear before the Court below, whenever required.

[e] the petitioners shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his/her identity.

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

[g] 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].

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

-sd/-

20/05/2021

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,
THIRUKOILUR

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ARAKANDANALLUR POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.G.MAGESHKUMAR Advocate on payment of necessary charges Sr.6273

CRL OP.9493/2021

Date :20/05/2021

RVR 03/06/2021

WEB COPY