

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.SUNDAR

Crl.O.P.No.9882 of 2021

Viji @ Kalanithi

... Petitioner

- Vs.-

State rep. by

The Inspector of Police,
Somangalam Police Station,
Kanchipuram District
(Crime No.368 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.368 of 2021 on the file of the Respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

Siblings i.e., two brothers are alleged to have committed offences under Sections 4(1) (g), 4(1) (aaa), 4(1-A) of the Tamil Nadu Prohibition Act, 1937 read with Sections 6 and 11 of RS Rules, 2000 vide Crime No.368 of 2021 on the file of Somangalam Police Station, Kanchipuram District. This Court is informed that RS Rules stands for Rectified Spirit Rules. The elder brother has been arrayed as A1 and the petitioner in captioned Criminal OP is A2.

2. This Court heard Mr.R.Sasikumar, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of Respondent on a video conferencing platform.

3. Counsel for petitioner submitted that petitioner's elder brother has already been secured and incarcerated, having been remanded to judicial custody. It is submitted by learned counsel for petitioner that the petitioner besides being the brother/sibling is no way connected with the alleged offence and has been added only owing to his blood relationship. It is also submitted that there are no bad antecedents qua petitioner.

4. Learned State counsel, on instructions, submits that there is no disputation regarding there being no bad antecedents qua petitioner. It is also submitted by learned State counsel that aforementioned A1 has already been secured and incarcerated, having been remanded to judicial custody by the jurisdictional Court.

5. In the light of the narrative thus far, this Court is inclined to accede to the prayer for anticipatory bail albeit on conditions set out infra elsewhere in this order

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Sriperumandur, on condition that the petitioner 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 jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the learned jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness/es either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) if there is breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner 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 per P.K.Shaji principle being law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and

(f) though obvious it is made clear that if the accused/petitioner herein thereafter absconds, consequences ingrained in Section 229-A of the Indian Penal Code, 1860 will follow wherever applicable.

-sd/-

04/06/2021

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,
SRIPERUMBADUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SOMANGALAM POLICE STATION,
KANCHIPURAM DISTRICT.

5 THE JUDICIAL MAGISTRATE,
NO.I, KANCHIPURAM

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

CRL OP.9882/2021

Date : 04/06/2021

RVR 06/07/2021