

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.SUNDAR

Crl.O.P.No.9895 of 2021

1.Samraj
2.Kumar

... Petitioners

-Vs.-

State by
The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District
(Crime No.182 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.182 of 2021 pending investigation on the file of the Respondent police.

For Petitioners : Mr.M.Jayachandran

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

ORDER

(The case has been heard through video conference)

Two petitioners in captioned Criminal OP seek anticipatory bail under Section 438 of 'The Code of Criminal Procedure, 1973' ['Cr.PC' for brevity] apprehending arrest for the alleged offences punishable under Sections 4(1)(b), 4(1)(g), 4(1)(a), read with 4(1-A) of the Tamil Nadu Prohibition Act, 1937 vide Crime No.182 of 2021 on the file of Kaveripattinam Police Station, Krishnagiri District.

2. This Court heard Mr.M.Jayachandran, learned counsel for petitioners and Mr.A.Gopinath, learned State Counsel on behalf of State on a video conferencing mode.

3. It is submitted by learned counsel for petitioners that the petitioners are farmers, they are innocent and they have been framed in this case. It is also submitted that there are no adverse antecedents qua petitioners.

4. State counsel submits that there is no disputation regarding there being no adverse antecedents qua petitioners, but 1 liter of ID arrack and 200 liters of urral were seized from them. This, however, is disputed by petitioners' counsel and this Court is informed that urral has since been destroyed after sending sample for testing.

5. In the light of the narrative thus far, this Court is inclined to accede to the prayer for anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance before the **learned Judicial Magistrate No.I, Krishnagiri**, on condition that the each of the petitioner shall execute a separate 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 jurisdictional Magistrate, whichever is later and on further condition that:

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

(b) the petitioners shall report before the Investigation Officer, Krishnagiri Town Police Station in the forenoon on Mondays and Fridays;

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

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court itself 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/petitioners herein thereafter abscond, consequences ingrained in Section 229-A of 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,
NO.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.9895/2021

Date :04/06/2021

TA-13/07/2021

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