

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.10032 of 2021

1. Mohan
2. Sathiyamoorthy
3. Madhavan

...Petitioners

Versus

State Rep. by  
The Inspector of Police,  
Kannamangalam Police Station,  
Tiruvannamalai District.  
(Cr.No.243 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent Police in Crime No.243 of 2021 on the file of the respondent Police.

For Petitioners : Mr.S.L.Venkatesan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(aa) of the Tamil Nadu Prohibition Act, 1937 in Cr.No.243 of 2021, 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 Tasmac Bottles 180 ml Diamond XXX Rum 192 bottles, 650 ml. King fisher Beer 24 bottles and 650 ml. Premier Empire Beer 24 bottles and the same was seized by the respondent police.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, the learned counsel would submit that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.25,000/- jointly.

4.The learned Government Advocate (Crl.Side) submitted that the petitioners were found in possession of Tasmac Bottles 180 ml Diamond XXX Rum 192 bottles, 650 ml. King fisher Beer 24 bottles and 650 ml. Premier Empire Beer 24 bottles and sold the same to the general public.

5.Considering the nature of the case, I am inclined to grant bail to the petitioners.

6.Accordingly, 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Arni, on condition that the petitioners shall execute 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 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)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioners shall make a non refundable deposit of Rs.25,000/- (Rupees Twenty five thousand only) jointly to the credit of the District Medical Officer, Government Hospital, Tiruvannamalai District, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioners;

(c)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;

(d)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(f) the petitioners shall not abscond 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]; and;

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

-sd/-

16/06/2021

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,  
ARNI.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
KANNAMANGALAM POLICE STATION,  
TIRUVANNAMALAI DISTRICT.

5 THE DISTRICT MEDICAL OFFICER  
GOVERNMENT HOSPITAL,  
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S.S.L.VENKATESAN Advocate on payment of necessary charges SR.No.6607

CRL OP.10032/2021

Date :16/06/2021

cs 06/07/2021