

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10259 of 2021

1. Chinnadurai @ Boopathi
2. C.K.Suresh

... Petitioners

vs.

State Rep. By its
The Inspector of Police,
Attur Police Station,
Salem District.
(Crime No.238 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.238 of 2021 on the file of the respondent.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.side)

ORDER

(The case has been heard through video conference)

The petitioners apprehend arrest by the respondent police for the offences punishable under Sections 4(1) (aaa) Tamil Nadu Prohibition Act in Crime No.238 of 2021, and they seek anticipatory bail.

2. The petitioners are 2nd and 3rd accused in the F.I.R. According to them, when 115 litres of I.D. arrack was seized by the respondent police, they were not travelling in the vehicle. According to them, the 2nd petitioner is owner of vehicle, who had given a car to his friend, the 1st accused in Crime No.238 of 2021. According to them, they are innocent.

3. However, it is case of the prosecution that the petitioners as well as other co-accused A1 are all liable to be prosecuted for the alleged offences mentioned in Crime No.238 of 2021.

4. The learned Government Advocate (Crl. Side) appearing for respondent, on instructions, would submit that the main accused viz., A1, who was travelling in the car when the I.D. arrack was seized was arrested on 07.06.2021 and he is still in judicial custody.

5. After giving due consideration to the aforementioned factors and in view of the fact that the petitioners were not present at the scene of alleged occurrence and they hereby pleaded ignorance of the same, this Court is inclined to grant anticipatory bail to the petitioners subject to the fulfilment of the following conditions.

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 lifting of lockdown or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate Court No.I, Attur,** on condition that the petitioners shall execute separate bonds 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 conditions 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 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 himself 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

11/06/2021

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, ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

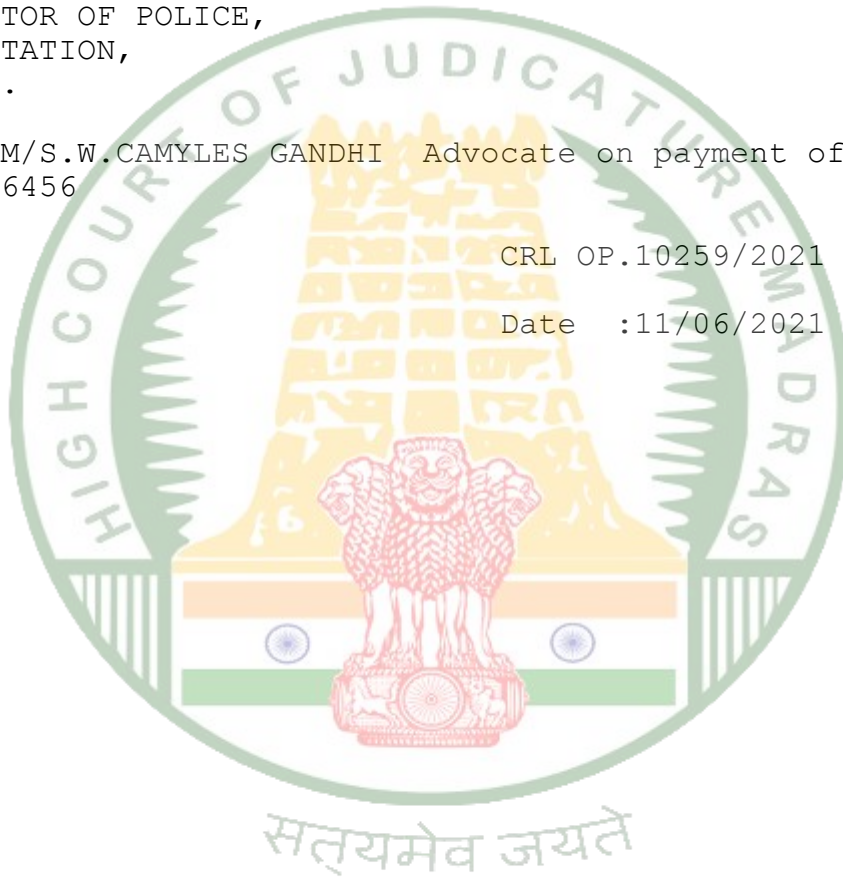
4 THE INSPECTOR OF POLICE,
ATTUR POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.6456

CRL OP.10259/2021

Date :11/06/2021

TA-22/06/2021



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