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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.11.2021

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21303 of 2021

1. Mr.Mani
2. Mrs.Sangeetha

... Petitioners

Versus

State Rep by
The Inspector of Police,
Nagarasampatty Police Station,
Krishnagiri District
(Crime No.316 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.316 of 2021 pending investigation on the file of the respondent police.

For Petitioners : M/s.M.P.Saravanan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest for the alleged offences punishable under Sections 4(1)(a), 4(1)(g) r/w.4(1-A) of Tamil Nadu Prohibition Act in Crime No.316 of 2021, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners were found in illegal possession of 5 litres of ID arrack and 600 litres of Ural.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.5,000/- to the credit of the Registered Advocate Clerk Association, Krishnagiri District that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners were found in illegal possession of 5 litres of ID arrack and 600 litres of Ural. He further submits that there are no previous cases pending against the petitioners and the property has been recovered by the law enforcing agency. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned **District Munsif Cum Judicial Magistrate, Pochampalli**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners are directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) each**, to the credit of the Registered Advocate Clerk Association, Krishnagiri District, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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.

[c] the petitioners are directed to report before the respondent police on every Friday at 10.30 a.m., until further orders;

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.



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

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-sd/-
15/11/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, POCHAMPALLI,
KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
KRISHNAGIRI.

+1 CC to M/S. M.P.SARAVANAN Advocate on payment of necessary
charges SR.NO.12783

CRL OP.21303/2021

Date :15/11/2021

TA-22/11/2021