



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22782 of 2021

1.Thilagamani
2.Manokaran
3.Parimala

... Petitioners

Versus

State by
The Inspector of Police,
PEW, Rasipuram,
Namakkal District.
(Crime No.619 of 2008)

... 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 their arrest in S.C.No.6 of 2012 on the file of the Additional Sessions Court, Rasipuram, Namakkal District.

For Petitioners : Mr.C.Prakasam

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

ORDER

The petitioners, who apprehends arrest for the alleged offence under Sections 4(1) (aaa) r/w 4(1)-A TNP Act r/w 66 of the TN Excise Act and r/w Sections 468, 471 and 420 of IPC in Crime No.619 of 2008 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.11.2008 the petitioners having possession for 16 quarter bottles and transporting 144 Brandi quarter bottles through Maruthi Car, in this connection the respondent police filed charge sheet and the petitioners appearing before the Court for the past 13 years without fail, but on 21.10.2021, due to the petitioners illness symptoms of COVID-19 the petitioners could not appear before the Trial Court and informed their counsel for filing petition under Section 317 of Cr.P.C, but their counsel not filed petition and hence the trial Court issued NBW against the petitioners. Hence this case.



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. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the charge sheet filed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Sessions Court, Rasipuram, Namakkal District. on condition that the petitioners 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 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) the petitioners and 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;

(b) the petitioners are directed to surrender before the trial Court i.e., learned Additional Sessions Court, Rasipuram, Namakkal District and file a petition under Section 70(2) of Cr.P.C., to recall the non bailable warrant.

(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]*; and;



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

WEB COPY

-sd/-
30/11/2021

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 ADDITIONAL SESSIONS JUDGE,
RASIPURAM, NAMAKKAL DISTRICT.

2 THE INSPECTOR OF POLICE,
PEW RASIPURAM,
NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S C.PRAKASAM Advocate on payment of necessary charges
SR.NO.13950

CRL OP.22782/2021

Date :30/11/2021

CSK 09/12/2021