



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.358 of 2022

1.Ramachandran @ Karthick
2.Thangappan

...Petitioners

Vs.

State Rep. by
Inspector of Police,
G-5 Secretariat Colony Police Station,
Chennai.
(Cr. No.361 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail pending investigation in Crime No.361 of 2021 on the file of the respondent police.

For Petitioners : Mr.R.C.Paul Kanagaraj
for M/S V.SRIDHAR

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

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 21.12.2021 for the offences under Sections 353, 506(i) of IPC & U/s 4(1)(a), 4(1)(A) of TNP Act, in Crime No.361 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 22.12.2021, on secret information the respondent police officials at about 7.30 hrs went to the spot and found that the petitioners were found in possession of 192 bottles each containing 180ml MC Dowells No.1 Brandy- 52 Nos, Top Star Special Brandy- 55 Nos, Monitor Deluxe Brandy- 27 Nos and Accord No.1 Brandy- 58 Nos for selling with higher price without any valid licence and permission. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and that the petitioners have been suffering incarceration for more than 15 days from 21.12.2021. He would further submit that the petitioners on their own



violation ready to deposit a substantial amount to any charitable institute as may be directed by this Court and would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioners were found in possession of 192 bottles of Liquor Brandy bottles by selling opposite to Tasmac shop with higher price without valid licence and permission. He would further submit that the investigation is almost completed.

5. Considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand Only), to the credit of the Advocate Clerks Association, Chennai, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the said Association for the welfare of the Advocates.

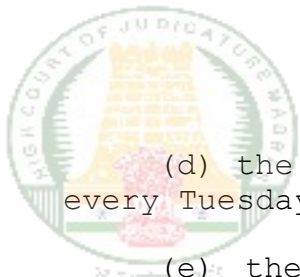
6. It is made clear that the deposit of the amount by the petitioners to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners and the investigation is almost completed, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners shall make non-refundable deposit a sum of Totally Rs.15,000/- (Rupees Fifteen Thousand Only), through demand draft to the credit of the Advocate Clerks Association, Chennai, without prejudice to their defence before the trial Court and on such deposit, the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the II-Metropolitan Magistrate, Egmore, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate 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 on every Tuesday at 10.30 a.m. until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

10/01/2022

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 II METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
G-5 SECRETARIAT COLONY POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

6 THE ADVOCATE CLERKS
ASSOCIATION, CHENNAI

CC to M/S.V.SRIDHAR Advocate on payment of necessary charges
Sr.439

CRL OP.358/2022

Date :10/01/2022

RVR 10/01/2022