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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

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

Cr1.O.P.No.1854 of 2022

1. Kethan Lakshmidas Majithiya
2. Feroz Ahamed Siddique

.. Petitioners

Vs.

State rep by
The Inspector of Police,
PEW Uthangarai Police Station,
Krishnagiri District.
(Crime No.478 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of their
arrest in connection with Cr.No.478 of 2021 on the file of the
respondent police.

For Petitioner : Mr.V.Manimaran

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Cr1.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections 4
(1)(aaa), 4(1-A) of TN Prohibition Act and Sections 6 and 7 of Tamil
Nadu Rectified Spirit Rules 2000 Act in Crime No.478 of 2021, on the
file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.11.2021, when the
respondent police were on the regular patrol duty, they found that the
petitioner along with others were in illegal possession of 21000
litres of ID Arrack. Hence the complaint.



3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioners without prejudice their rights, on their own volition, they are ready and willing to contribute a sum of Rs..2,00,000/- to any Charitable Purpose as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that petitioner along with others were in illegal possession of 21000 litres of ID Arrack. He further submits that co-accused/A1 and A2 were already enlarged on bail and the other co-accused/A3 and A7 were absconding.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact the petitioners without prejudice their rights, on their own volition, they are ready and willing to contribute a sum of Rs..2,00,000/- to any Charitable Purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Uthangarai on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 shall be directed to make a non refundable deposit of Rs.2,00,000/- [Rupees Two lakhs only (Rs.1,00,000/- each)], out of which, Rs.1,00,000/- to the credit of SRI ARUNODHAYAM CHARITABLE TRUST, 45. Sivananda Nagar, Kolathur, Chennai-600 099, HDFC Bank, Dayalu Nagar, Villivakkam Branch, A/c No.50100196910687, IFSC Code:HDFC0004221, Cell.No.8608971037 and Tel.No.91-44-26511450 and the remaining amount of Rs.1,00,000/- to the credit of Sri Ramakrishna Mutt, Mylapore within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



[c] the petitioners shall report before the respondent police on every Saturday at 10.30a.m., for a period of four weeks and thereafter as and when required for an interrogation ;

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[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 has been imposed and the petitioners are 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

28/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
UTHANGARAI, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PEW UTHANGARAI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 SRI ARUNODHAYAM CHARITABLE TRUST,
45. Sivananda Nagar, Kolathur,
Chennai-600 099, HDFC Bank,
Dayalu Nagar, Villivakkam Branch,
A/c No.50100196910687, IFSC Code:HDFC0004221,
Cell.No.8608971037 and Tel.No.91-44-26511450

6 SRI RAMAKRISHNA MUTT,
MYLAPORE.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
SR.NO.1385

CRL OP.1854/2022

Date :28/01/2022

RW 03/02/2022