



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION Nos.13005 , 13009 and 13010 of 2022

RAGAVAN [PETITIONER / ACCUSED
IN CRL.O.P.NO.13005/2022]

SELVAM [PETITIONER / ACCUSED
IN CRL.O.P.NO.13009/2022]

RADHAKRISHNAN [PETITIONER / ACCUSED
IN CRL.O.P.NO.13010/2022]

Vs

STATE REP BY [RESPONDENT
THE INSPECTOR OF POLICE,
PEW MUDHURANTHAKAM POLICE STATION,
CHENGALPATTU DISTRICT.
(CRIME NO.433 OF 2022)

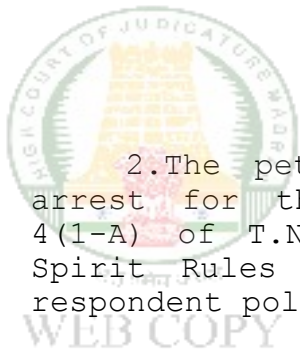
For Petitioners : M/S.R.SASIKUMAR Advocate
[IN ALL THE PETITIONS]

For Respondent : MR.A.GOKULAKRISHNAN, Additional public Prosecutor
Assistant by M/S.J.R.ARCHANA, Advocate
[IN ALL THE PETITIONS]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.No.13005 of 2022, who apprehends arrest for the alleged offences under Sections 4(1)(aaa), 7(a), 4(1-A) of T.N.P.Act r/w Sections 6 & 11 of Tamil Nadu Rectified Spirit Rules 2000 in Crime No.433 of 2022 on the file of the respondent police, seeks anticipatory bail.



2.The petitioner in Crl.O.P.No.13009 of 2022, who apprehends arrest for the alleged offences under Sections 4(1)(aaa), 7(a), 4(1-A) of T.N.P.Act r/w Sections 6 & 11 of Tamil Nadu Rectified Spirit Rules 2000 in Crime No.433 of 2022 on the file of the respondent police, seeks anticipatory bail.

3.The petitioner in Crl.O.P.No.13010 of 2022, who apprehends arrest for the alleged offences under Sections 4(1)(aaa), 7(a), 4(1-A) of T.N.P.Act r/w Sections 6 & 11 of Tamil Nadu Rectified Spirit Rules 2000 in Crime No.433 of 2022 on the file of the respondent police, seeks anticipatory bail.

4. The case of the prosecution is that when the respondent police was conducting their routine check up, they found that the main accused A1 along with others were illegally transporting 27000 liters of I.D. Arrack in a tanker lorry and the petitioners herein were escorting the vehicle used for illegal transportation. Hence the complaint.

5.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been implicated only based on the confession statement of the co-accused. On instructions, he would further submit that the petitioners are ready to pay a sum of Rs.1,00,000/- each to any public organisation as directed by this Court. He has also made an endorsement to that effect. Accordingly, he prays for grant of anticipatory bail.

6. The learned Additional Public Prosecutor would confirm that the petitioners are not directly involved in the said offence, however, in this case the petitioner in Crl.O.P.No.12005 of 2022 is a driver and the other petitioners were escorting the vehicle viz. the tanker lorry which was used for illegal transportation of 27000 liters of rectified spirit. Hence he would vehemently oppose for the grant of anticipatory bail to the petitioners.

7.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners have come forward to pay a sum of of Rs.1,00,000/- to any public organisation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioners shall pay a sum of Rs.1,00,000/- (Rupees one lakh only) each to the credit of Research and Development Wing (Siddha), Indian Medicine and Homeopathy Department, Arumbakkam, Chennai - 600 106, in Canara Bank, Anna Nagar East Branch, Chennai, (Account No.0974101556378, IFSC Code: CNRB0000974), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Magistrate. The amount paid by the petitioners shall be utilized by the said Department for research activities in Siddha Medicine.



9. On production of the receipt or acknowledgement for payment for the above said amount, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Madhuranthakam on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c] The petitioners shall separately pay a sum of Rs.1,00,000/-.

[d] the petitioners shall not tamper with the 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
01/06/2022

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 THE JUDICIAL MAGISTRATE,
NO. I, MADHURANTHAKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PEW MUDHURANTHAKAM POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE RESEARCH AND DEVELOPMENT
WING (SIDDHA), INDIAN MEDICINE AND
HOMEOPATHY DEPARTMENT, ARUMBAKKAM,
CHENNAI - 600 106, IN CANARA BANK,
ANNA NAGAR EAST BRANCH, CHENNAI,
(ACCOUNT NO.0974101556378,
IFSC CODE: CNRB0000974)

+3 CC to M/S.R.SASIKUMAR Advocate on payment of necessary
charges SR.NOS.8338, 8333 & 8334

CRL OPs.13005,13009 & 13010/2022

Date :01/06/2022

JPA 03/06/2022