

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL ORIGINAL PETITION No.6829 of 2020

SEKAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
PEW POLUR POLICE STATION,
T.V. MALAI DISTRICT.
CRIME NO.1078 OF 2019

[RESPONDENT]

For Petitioner : S.NISHANTHI Advocate

For Respondent : MR.S.THANKIRA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(aaa) r/w 4(1-A)(ii) of TNP Act, in Crime No.1078 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 120 litres of ID Arrack. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instructions, he would further submit that the petitioner is ready to deposit a sum of Rs.10,000/- to the Stanley Medical College and prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was found in illegal possession of 120 liters of ID Arrack. She would also submit that there is one previous case pending as against the petitioner. Hence, she opposed for grant of anticipatory bail to the petitioner.

5. 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 petitioner has come forward to deposit a sum of Rs.10,000/- to the Stanley Medical College, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to the Dean, Stanley Medical College, Chennai, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of thirty days from the date on which the order copy made ready, before the Judicial Magistrate, Polur on condition that the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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.

[b] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to the Dean, Stanley Medical College, Chennai to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

7. In view of the COVID-19 threat perception, this Court directs the respondent police not to conduct any enquiry on the petitioner, till COVID-19 threat perception and the protocol, which the Government issue subsists. The petitioner is also directed to strictly adhere to the conditions set out under Section 438 Cr.P.C., and also stay home bound/quarantined during the period when COVID-19 threat perception.

-sd/-

24/03/2020

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,
POLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PEW POLUR POLICE STATION,
T.V. MALAI DISTRICT.

5 THE DEAN
STANLY MEDICAL COLLEGE,
CHENNAI

CC to S.NISHANTHI Advocate on payment of necessary charges

CRL OP.6829/2020

Date :24/03/2020

RD 27/05/2020