

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2020

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.9199 of 2020

(Heard through video conferencing)

Mathiyan @ Kumar
S/o Velayutham,
Periyakammalapatty (Vill)
K.Chettihalli (P.O)
Palacode,
Dharmapuri District.

... Petitioner

Vs.

State by
The Inspector of Police,
Papparapatti Police Station,
Dharmapuri District.
Cr. No.378 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the **petitioner** on bail in the event of **his** arrest in
Crime No.378 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(g),4(1)(a) r/w 4(1-A) of TNP Act in Crime No.378 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner was found in possession of 30 litres of fermented wash and 2 litres of ID Arrack, illegally. Hence, a case was registered against the petitioner.

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. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that 30 litres of fermented wash and 2 litres of I.D arrack were seized from the petitioner and he has three previous cases of this nature. Hence, he oppose for grant of anticipatory bail to the petitioner.

5. Considering the submission made by the learned counsel appearing for the petitioner, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** without prejudice to his rights and contentions before the trial Court. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain

conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees twenty thousand only) as non refundable deposit to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, within a period of fifteen days from the date on which the order copy made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Pennagaram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood 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.20,000/- (Rupees twenty thousand only) to the credit of the **Cancer Institute (WIA), East**

Canal Bank Road, Adyar, Chennai and shall produce the said receipt before the Court below.

[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.

23.06.2020

Index: Yes/No
Speaking order/Non-Speaking order

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G.K.ILANTHIRAIYAN, J

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To

- 1.The Judicial Magistrate,
Pennagaram.
2. The Public Prosecutor,
Madras High Court,
Chennai.
- 3.The Inspector of Police,
Papparapatti Police Station,
Dharmapuri District.

CrI.O.P.No.9199 of 2020



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