

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

[Crl.O.P.No.10002](#) of 2020

Gunaseelan,
S/o. Balakrishnan
No.42, Keezhatheru Kizhoy
Manalmedu
Mayiladuthurai
Nagapattinam District

... Petitioner

Vs.

State, rep .by
The Inspector of Police,
Vaitheeswaran Kovil Police Station,
Nagapattinam District
(Crime No. 135 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.135 of 2020 on the file of the respondent police.

For Petitioner : Mr.V.Sakkarapani

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 4 (1) (aaa) TN Prohibition Act in Crime No.135 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 110 litres of ID Arrack, 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

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was found in possession of 110 litres of ID Arrack. He further submitted that there is no previous case pending against the petitioner and he opposed 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.5,000/- (Rupees five Thousand only) as non refundable deposit to the credit of the Madras High Court Advocates Clerks Welfare Association, Indian Bank SB No.484077244, IFSC Code No.IDIB000M157, 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.5,000/- (Rupees five Thousand only) as non refundable deposit to the credit of the Madras High Court Advocates Clerks Welfare Association, Indian Bank SB No.484077244, IFSC Code No.IDIB000M157, 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, Sirkali, 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.5,000/- (Rupees five Thousand only) as non refundable deposit to the credit of the Madras High Court Advocates Clerks Welfare Association, Indian Bank SB No.484077244, IFSC Code No.IDIB000M157 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.

-sd/-

03/07/2020

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,
SIRKALI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VAITHEESWARAN KOVIL POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE MADRAS HIGH COURT ADVOCATE
S CLEARKS WELFARE ASSOCIATION,
Indian Bank SB No.484077244,
IFSC Code No.IDIB000M157

CC to M/S.V.SAKKARAPANI Advocate on payment of necessary charges

CRL OP.10002/2020

Date :03/07/2020

RD 12/08/2020