

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 10295 of 2020

Ramamoorthy

... Petitioner/3rd Accused

Vs.

The State represented by,
The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore District.
(Crime No. 533 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner/3rd accused on bail in the event of his arrest in connection with Crime No. 533 of 2019, to the petitioner pending investigation on the file of the respondent police

For Petitioner : Mr.S.C.Vishwanth

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

O R D E R

(This case has been heard through video conference)

The Petitioner who apprehends arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 4(1)(aa), 4(1-A) of the Tamil Nadu Prohibition Act read with Section 14A of Transport Act in Crime No. 533 of 2019, has filed this Criminal Original Petition, under Section 438 of Cr.P.C, seeking anticipatory bail.

2. The case of the Prosecution is that the Petitioner was found in possession of 60 litres of rectified spirit illegally. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is in no way connected with the alleged offences and he has been falsely implicated in the case on hand and he would submit that there is no previous case against the petitioner. He would further submit that without prejudice to his defence, the petitioner is prepared to deposit a considerable amount to any charitable organization and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in possession of 60 litres of Rectified Spirit, without any valid licence. He further submitted that there is no previous case against the petitioner. However, he oppose to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) as non-refundable deposit either through RTGS/NEFT in favour of the Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c.No.117201000000070, IFSC Code. No.IOBA0001172, within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or his appearance and on production of proof of deposit of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for the likesum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give an letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] 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.

[c] the petitioner shall report before the respondent police every Monday at 10.30 a.m., until further orders.

[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 petitioners 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 person thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, the criminal original petition is ordered.

-sd/-
08/07/2020

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,
NO.III, CUDDALORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUPAPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

4 THE CHIEF MINISTER'S PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK,
SECRETARIAT BRANCH, CHENNAI
SB.A/C.NO.117201000000070,
IFSC CODE. NO.IOBA0001172

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

CRL OP.10295/2020

Date :08/07/2020

cs 17/08/2020