

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.13918 of 2020

Jeganathan

... Petitioner/ Single Accused

Vs.

The State Represented by,
The Inspector of Police,
Maraganam Police Station,
Villupuram District.
(Crime No. 1354 of 2020)

... Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No. 1354 of 2020 pending on the file of the Inspector of Police, Maraganam Police Station, Villupuram District.

For Petitioner : Mr.K.Balaji

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

ORDER

(This case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 4(1)(a) of TN Prohibition Act, in Crime No.1354 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 illegal possession of ten packets of illicit liquor, each containing 100ml. 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 instruction, he would further submit that taking into consideration the present Covid pandemic situation the petitioner is prepared to donate/pay some amount to any charitable organization or

association without prejudice to their defence and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was found in possession of ten packets of illicit liquor, each containing 100 ml. He further submitted that there are no previous cases pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. In order to curb the illegal activities and taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioner may be directed to donate/pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the **Vishranthi Charitable Trust, Dena Bank, Alwarpet Branch, 83, TTK Road, Alwarpet, Chennai - 600 018, A/c.No.086310000198, BKDN0620863, Swift Code/ Branch Code: 600018007** without prejudice to their rights and contentions before the trial Court.

6. 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.

7. Taking note of the facts and submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) The petitioner is directed to pay a sum of Rs.10,000/- either through RTGS/NEFT or in cash in favour of **Vishranthi Charitable Trust, Dena Bank, Alwarpet Branch, 83, TTK Road, Alwarpet, Chennai - 600 018, A/c.No.086310000198, BKDN0620863, Swift Code/ Branch Code: 600018007**, 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 payment of the above amount and on further condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for the like sum 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 respondent/police 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 daily 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 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.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/09/2020

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.II,
THINDIVANAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

3 THE INSPECTOR OF POLICE,
MARAGANAM POLICE STATION,
VILLUPURAM DISTRICT.

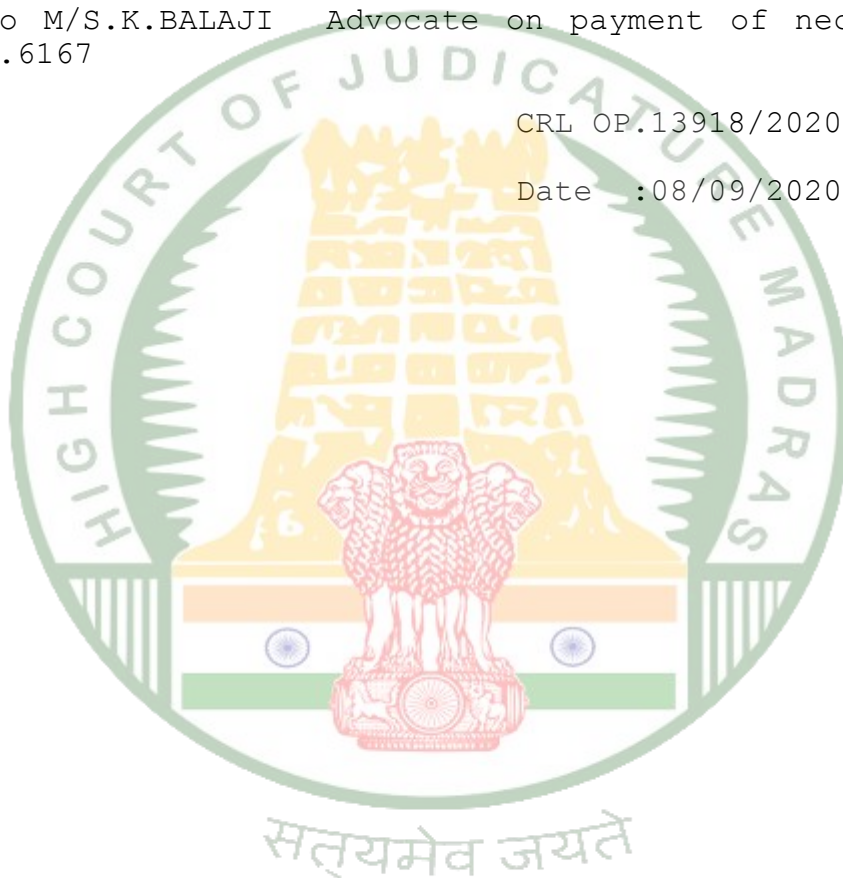
4 THE VISHRANTHI CHARITABLE TRU
DENA BANK, ALWARPET BRANCH,
83, TTK ROAD, ALWARPET,
CHENNAI - 600 018,
A/C.NO.086310000198, BKDN0620863,
SWIFT CODE/ BRANCH CODE: 600018007

+1CC to M/S.K.BALAJI Advocate on payment of necessary
charges SR NO.6167

CRL OP.13918/2020

Date :08/09/2020

MK:14/09/2020



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