

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15464 of 2020

Balathandayuthapani

... Petitioner

Vs.

State represented by,
The Inspector of Police,
P.E.W.Sirkazhi Police Station,
Nagapattinam District.
(Crime, No.708 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
by the respondent police concerned in Crime No.708 of 2020 on the
file of the Inspector of police, P.E.W. Sirkazhi Police Station,
Nagapattinam District.

For Petitioner : Mr.M.Vinoth

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

O R D E R

(This Case has been heard through Video Conferencing)

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections
4(1)(aaa) and 4(1-A) of TNP Act in Crime No.708 of 2020 on the file
of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found
in illegal possession of 110 liters of ID Arrack. Hence, this case
has been registered.

3. The learned counsel for the petitioner submitted that the
petitioner has not committed any offence as alleged by the
prosecution and he has been falsely implicated in this case. Hence,
he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner was illegally transporting 110 litres of ID Arrack in his two wheeler and there is no previous case as against him. Hence, he opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that without prejudice to his defence, the petitioner is prepared to deposit some considerable amount to any charitable Organization or Association.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. According, the petitioner is directed to make a payment/donation of a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, e-mail: jscmprf@tn.gov.in or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and on such payment and production of proof of receipt, he is ordered be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sirkazhi, Nagapattinam District, 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 learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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 petitioners 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];

(f) 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/-

30/09/2020

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 COURT,
SIRKAZHI, NAGAPATTINAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
P.E.W. SIRKAZHI POLICE STATION,
NAGAPPATTINAM DISTRICT.

4 THE JOINT SECRETARY & TREASURER,
CHIEF MINISTER'S PUBLIC RELIEF FUND,
FINANCE (CMPRF) DEPARTMENT,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI 600 009,
TAMIL NADU, INDIA,
E-MAIL: JSCMPRF@TN.GOV.IN OR
BY ELECTRONIC CLEARING SYSTEM (ECS)
TO INDIAN OVERSEAS BANK,
SECRETARIAT BRANCH, CHENNAI 600 009,
S.B.ACCOUNT NO.11720 10000 00070,
IFS CODE IOBA0001172, CMPRF PAN: AAAGC0038F

+1 CC to M/S.M.VINOTH Advocate on payment of necessary charges
SR.No.6579

CRL OP.15464/2020

Date :30/09/2020