

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15996 of 2020

Arul @ Arulkumar

... Petitioner

Vs.

The State rep. by
The Inspector of Police
Attur Police Station
Salem District.
(Crime No.318 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.318 of 2020 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(a), 4(1-A) TNP Act, in Crime No.318 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 20 pockets of illicit liquor, each containing 1 litre. The same was seized by the respondent police.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and there is no previous case pending against the petitioner. On instructions, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit considerable amount to any charitable Organization or Association. Hence, he prays to grant anticipatory bail to the

4. The learned Additional Public Prosecutor would submit that on 21.07.2020, the petitioner along with other accused were found in illegal possession of 20 pockets of illicit liquor, each containing 1 litre. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. 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:

a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the copy of this order is made ready, before the **learned Judicial Magistrate No.I, Attur**, on condition to make a non refundable deposit of Rs.10,000/- (Rupees Ten thousand only) to **the Satkaarya Trust, No.10/46, Periyar Street, Thenpalani Nagar, Kolathur, Chennai-600 099, ICICI Bank, Kilpauk Branch, A/c No.027801002323, IFSC Code No.ICIC0000278**, on such deposit and production of proof and also on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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] Merely, because the petitioner deposits 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.

[d] 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.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above direction, this Criminal Original Petition is ordered.

-sd/-

09/10/2020

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.I,
ATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ATTUR POLICE STATION,
SALEM DISTRICT.

5 THE SATKAARYA TRUST,
NO.10/46, PERIYAR STREET, THENPALANI NAGAR,
KOLATHUR, CHENNAI-600 099, ICICI BANK,
KILPAUK BRANCH, A/C NO.027801002323, IFSC
CODE NO.ICIC0000278.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.6761

CRL OP.15996/2020

Date :09/10/2020

TA-13/10/2020