

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.16318 of 2020

S.Dhandapani

... Petitioner

Vs.

Sub-Inspector of Police
Vellore Taluk Police Station
Vellore District
(Cr.No.1481 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.1481 of 2020, pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Dayalan

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 4(1) (aaa) and Section 4(1-A) ii of Tamil Nadu Prohibition Act (TNP Act), 1937 in Crime No.1481 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 15.09.2020, when the respondent was on his usual rounds, the petitioner was found in possession of 120 litres of arrack. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that earlier the petitioner was implicated in a case in Crime No.1456 of 2020 following which, he had obtained anticipatory bail by order dated 22.09.2020 in CrI.O.P.No.14830 of 2020. Thereafter, in order to comply with the conditions, the petitioner had gone to the respondent police during which, he was informed that he had been implicated in yet another case in Crime No.1481 of 2020. He would submit that the petitioner has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in possession of 120 litres of illicit arrack and there is one previous case against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioner on instruction would submit that taking into consideration the present Covid pandemic situation, the petitioner is prepared to donate/pay some considerable amount to any charitable organization or association without prejudice to his defence and prayed for grant of anticipatory bail.

6. 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.25,000/- (Rupees Twenty Five Thousand only) to "The Little Drops, Account No.05811010002400, IFSC Code- ORBC0100581, Oriental Bank of Commerce, Moulivakkam Branch, Chennai" without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner deposit 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.

8. Taking note of the facts and circumstances, 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.25,000/- either through RTGS/NEFT or in cash in favour of "The Little Drops, Account No.05811010002400, IFSC Code- ORBC0100581, Oriental Bank of Commerce, Moulivakkam Branch, Chennai" within fifteen (15) days from the date on which the order copy is made ready. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of payment 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 a 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 a 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., for a period of two weeks and thereafter on every Monday at 10.30 am 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 is 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.

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

-sd/-

14/10/2020

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, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 SUB INSPECTOR OF POLICE
VELLORE TALUK POLICE STATION,
VELLORE DISTRICT

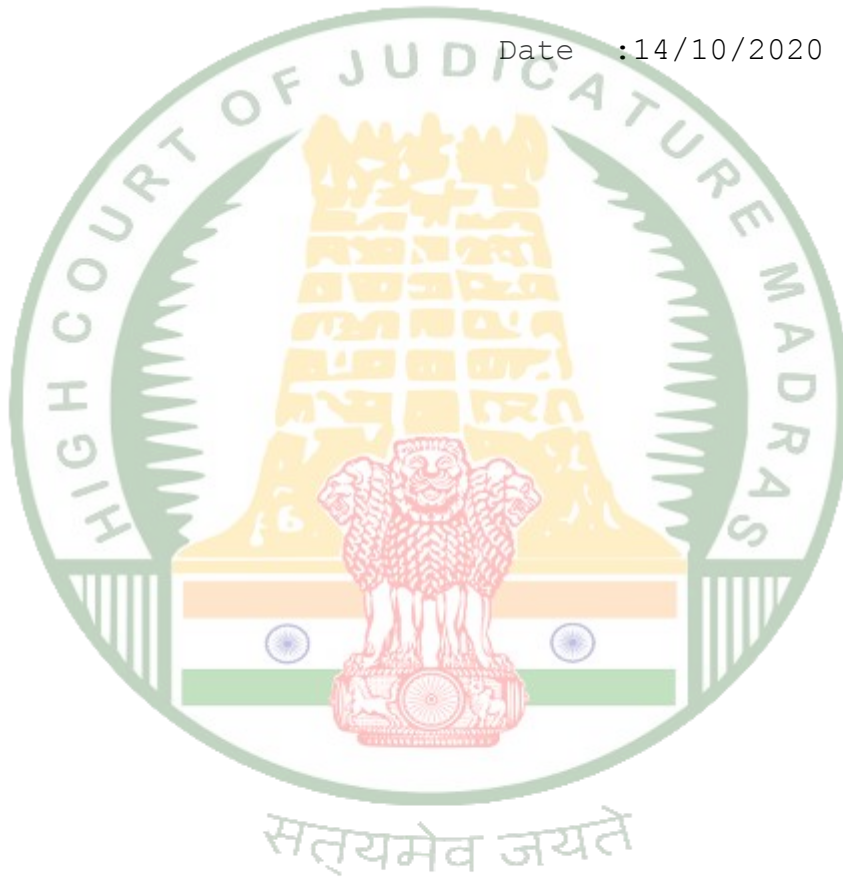
5 THE LITTLE DROPS,
ACCOUNT NO.05811010002400,
IFSC CODE- ORBC0100581,
ORIENTAL BANK OF COMMERCE,
MOULIVAKKAM BRANCH, CHENNAI

CC to M/S.R.DAYALAN Advocate on payment of necessary charges
SR.6949

CRL OP.16318/2020

Date :14/10/2020

RVR 20/10/2020



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