

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16997 of 2020

Velu @ Velu Chettiar

... Petitioner/Accused
(Ranking Not known)

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
PEW Thiruchengodu Police Station,
Namakkal District.
[Crime No. 97 of 2019]

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No. 97 of 2019, on the file of the respondent police.

For Petitioner : Mr.R.Parthiban

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 offence punishable under Sections 4(1) (aaa), 4(1-A) of TNP Act and under Sections 468, 471, 420 IPC r/w. Section 7 of R.S Rules 2000, in Crime No. 97 of 2019, on the file of the respondent, seeks anticipatory bail.

2 It is the case of the prosecution that the petitioner was found in possession of 25000 litres of Rectified spirit. Hence, a case was registered against the petitioner.

3 The learned counsel appearing for the petitioner would submit that this is the second application for anticipatory bail and that the petitioner was earlier granted anticipatory bail in Crl.O.P.No. 9602 of 2020, dated 29.06.2020, however, due to the Covid-19 pandemic situation, the petitioner unable to surrender before the concerned Court and could not executed the sureties. Further, he would submit that petitioner has already deposited an amount of Rs.20,000/- in favour of Arignar Anna Memorial Cancer

Hospital & Research Institute, Kanheepuram as per the order in Crl.OP.No.9620 of 2020. Hence, he prays to grant 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 25000 litres of Rectified spirit. He would further submit that there is one previous case pending against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsel, considering the fact that the petitioner was earlier granted anticipatory bail in Crl.OP.No.9602 of 2020 and that he has deposited an amount of Rs.20,000/- to the credit of Arignar Anna Memorial Cancer Hospital & Research Institute, Kanheepuram, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) The petitioner is directed to be released on bail in the event of his arrest or his appearance on production of proof of payment of the aforesaid deposit 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 a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular organization and on further condition that;

[b] the petitioner is directed to deposit an amount of Rs.1,000/- towards District Legal Services Authority attach to the concerned Court.

[c] 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.

[d] the petitioner shall report before the respondent police every Monday and Friday at 10.30 a.m. until further orders.

[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 Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

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

7 For reporting compliance, post on **27.11.2020**.

-sd/-
06/11/2020

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,
PARAMATHI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PEW THIRUCHENGODU POLICE STATION,
NAMAKKAL DISTRICT.

5 THE MEMBER SECRETARY,
TAMIL NADU LEGAL SERVICES AUTHORITY
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
DISTRICT LEGAL SERVICES AUTHORITY,
PARAMATHI, NAMAKKAL.

+1 CC to M/S.R.PARTHIBAN Advocate on payment of necessary charges SR.NO.7377

CRL OP.16997/2020

Date :06/11/2020

TA-20/11/2020