

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16705 of 2020

Velu @ Velu Chettiar

... Petitioner/Accused
(Ranking Not known)

Vs.

The State represented by,
The Inspector of Police,
PEW Thiruchengodu Police Station,
Namakkal District.
[Crime No.1090 of 2018]

... Respondent/Complainant

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. 1090 of 2018, on the file of the respondent police.

For Petitioner : Mr.R.Parthiban

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 offence punishable under Sections 4(1) (aaa), 4(1-A) of TNP Act and under Sections 468, 471, 420 of IPC r/w Section 7 of R.S Rules 2000, in Crime No. 1090 of 2018, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 8750 litres of Rectified Spirit. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that on earlier occasion, this Court had granted anticipatory bail to the petitioner in Crl.O.P.No.9539 of 2020,

dated 29.06.2020, with a direction to deposit an amount of Rs.20,000/- to the credit of Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram and to surrender before the learned Judicial Magistrate, Paramathi, within a period of 15 days from the date on which the order copy is made ready. He would submit that the petitioner has paid an amount of Rs.20,000/- to the credit of Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram as directed by this Court. However, due to Covid-19 pandemic situation, the petitioner was unable to surrender before the concerned Magistrate Court within the stipulated time and thereby, the earlier has been lapsed after efflux of time. Hence, the present application has been filed seeking for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was found in illegal possession of 8750 litres of Rectified Spirit. He would further submit that there is one previous case pending against the petitioner during the year 2019 and that the petitioner was earlier granted anticipatory bail by this Court in CrI.O.P.No.9539 of 2020, dated 29.06.2020, however, he did not comply with the conditions. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the submissions made by the learned counsel appearing for the petitioner that the petitioner was already granted anticipatory bail by this Court and though he was unable to surrender before the Court within the time stipulated by this Court, he has already deposited a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, as directed by this Court in the earlier order dated 14.08.2020, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is directed to produce the proof of the said deposit while executing the sureties and on such proof, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Paramathi, within a period of fifteen days from the date on which, the order copy is made ready and 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:

[b] the petitioner and 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] the petitioner is directed to deposit an amount of **Rs.2,000/- (Rupees Two Thousand Only)** to the credit of District/ Taluk Legal Services Authority, Kancheepuram District.

[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.

[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.

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

-sd/-
04/11/2020

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 DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 DISTRICT/ TALUK LEGAL SERVICES AUTHORITY,
KANCHEEPURAM DISTRICT.

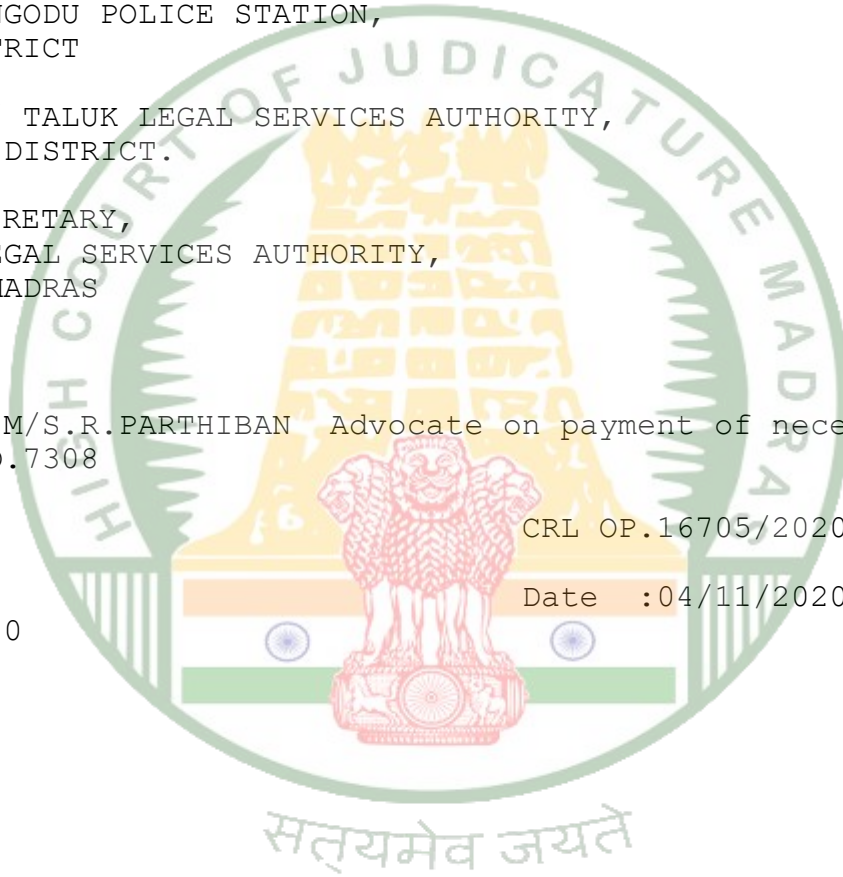
6 THE SECRETARY,
TAMIL NADU LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS

+1 CC to M/S.R.PARTHIBAN Advocate on payment of necessary
charges SR.NO.7308

CRL OP.16705/2020

Date :04/11/2020

GKS:30/11/2020



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