

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17108 of 2020

Thavamurugan

... Petitioner

vs.

Station House Officer
Nellikuppam Police Station
Cuddalore District - 607 105
Crime No.1517 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest in Crime No.1517 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Manivasagam

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 apprehend arrest at the hands of the respondent police for the offences publishable under Sections 4(1) (a), 4(1-A), 14A of Tamil Nadu Prohibition Act, in Crime No.1517 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was found in possession of 20 litres of illicit arrack. Hence, the complaint.

3.The learned counsel appearing 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 the petitioner is prepared to donate/pay some considerable amount to any charitable organization or association without prejudice to his defence and contention. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in possession of 20 litres of illicit Arrack. He would further submit that there is no previous case against the petitioner. However, he would oppose for grant of anticipatory bail to the petitioner.

5. 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.10,000/- (Rupees Ten Thousand only) to the Public Charitable and Educational Trust, Block No.8, Mogappair West, Chennai 600 037, in HDFC Bank Ltd., No.12, 6th Block, Tamil Nadu Housing Board, Mogappair West, Thiruvalluvar District, Tamil Nadu, (Account No.17651450000082, Account Name. PREM NIVAS, IFSC Code - HDFC0001765 without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner has deposited 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.

7. 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.10,000/- (Rupees Ten Thousand only) either through RTGS/NEFT or in cash in favour of the Public Charitable and Educational Trust, Block No.8, Mogappair West, Chennai 600 037, in HDFC Bank Ltd., No.12, 6th Block, Tamil Nadu Housing Board, Mogappair West, Thiruvalluvar District, Tamil Nadu, (Account No.17651450000082, Account Name. PREM NIVAS, IFSC Code - HDFC0001765 within fifteen (15) days from the date on which the copy of the order is made ready. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or his appearance and on production of proof of payment of the above amount 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.

[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 every day at 10.30 a.m., 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 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.

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

-sd/-

02/11/2020

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,
NO.I, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER
NELLIKUPPAM POLICE STATION,
CUDDALORE DISTRICT-607105.

5 THE PUBLIC CHARITABLE AND EDUCATIONAL TRUST,
BLOCK NO.8, MOGAPPAIR WEST,
CHENNAI 600 037, IN HDFC BANK LTD.,
NO.12, 6TH BLOCK, TAMIL NADU HOUSING BOARD,
MOGAPPAIR WEST, THIRUVALLUVAR DISTRICT,
TAMIL NADU,
(ACCOUNT NO.17651450000082,
ACCOUNT NAME. PREM NIVAS,
IFSC CODE - HDFC0001765

+1 CC to M/S. S.MANIVASAGAM Advocate on payment of necessary
charges SR.No.7216

cs 11/11/2020



CRL OP.17108/2020

Date :02/11/2020

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