

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2020

CORAM

THE HONOURABLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19536 of 2020

1.Dhamodharan

2.Jayachandiran @ Nanduvakoli

... Petitioners

Versus

The State

Rep.by Inspector of Police,
Kadampuliyru Police Station,
Cuddalore District.

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge petitioners on bail in the event of their arrest in connection with Crime No.392 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.C.Vishwanth

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Section 4(1) (aaa) r/w Section 4 (1)(aa), 4(1-A) and 14A of the Tamil Nadu Prohibition Act, in Crime No.392 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of 60 litres of ID arrack with an intention to sell it to the general public. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed the offence. However on instructions, he would further submit that the petitioners are prepared to deposit some amount to any charitable organization or association without prejudice to their contention and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were found to be in possession of 60 liters of ID arrack with an illegal intention to sell it to the general public for pecuniary gain. He would further submit that there is no previous case against the petitioners. However, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. It is seen that there is no previous case against the petitioners and in order to curb the illegal activities with which the petitioners indulged, this Court is of the opinion that each of the petitioner shall be directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) each (in total Rs.40,000/-) as non refundable deposit to the account of The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c.No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856, without prejudice to their rights and contentions before the trial Court.

6. It is made clear that merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

(a) Each of the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) each (in total Rs.40,000/-) as non-refundable deposit either through RTGS/NEFT or in cash in favour of The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c.No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856, within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioners are directed to be released on bail in the event of their arrest or their appearance on production of proof of deposit of the above amount and on further condition that the petitioners 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 petitioners 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 am., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
23/12/2020

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.II, PANRUTI

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KADAMPULIYRU POLICE STATION,
CUDDALORE DISTRICT.

5 THE DEAN, RAJIV GANDHI GOVERNMENT GENERAL HOSPITAL,
CHENNAI, BEARING A/C.NO.10273425961, STATE BANK OF INDIA,
PARK TOWN (CHENNAI), 68, EVENING BAZAAR ROAD,
CHENNAI, IFSC:SBIN0001856,

CC to M/S.S.C.VISHWANTH Advocate on payment of necessary charges

CRL OP.19536/2020

Date :23/12/2020

RVR 06/01/2021