

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18113 of 2020

G.Ramu @ Ramakrishnan

... Petitioner

Vs.

The State Rep. By

The Inspector of Police,

Prohibition Enforcement Wing,

Tindivanam

(Cr.No.345 of 2020)

... Respondents

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.345 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.M.Gnanasekar

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

ORDER

(This 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), 4(1-A) of TNP Act r/w 6,7 TN RS Rules and 420, 468, 471 of IPC, in Crime No.345 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the respondent police received information that some persons were transporting Rectified Spirit in the vehicle and when they went to the scene of occurrence they found that two persons were found to transport 17,675 liters of Rectified Spirit in two vehicles. Hence, the complaint. Later on the confession of the arrested accused, the petitioner was implicated in the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is the president of Olakkur Village for the past 20 years and due to political animosity a false case has been foisted against the petitioner. He would further submit that based on the confession statement recorded from the co-accused, the respondent has registered the case against the petitioner and there is no previous case pending against the petitioner. 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 prayed for grant of anticipatory bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the based on the confession statement given by the co-accused persons namely Murugan and Murali, they came to know about the involvement of the petitioner in transporting 17,677 liters of rectified spirit illegally and the co-accused persons are still in custody. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association and that there is no previous case against the petitioner and that he has been implicated only the confession of the arrested accused, this Court is of the opinion that the petitioner may be directed to deposit a sum of Rs.1,00,000/- as non refundable deposit to the Chief Minister's Relief Fund 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 deposit a sum of Rs.1,00,000/- as non-refundable deposit either through RTGS/NEFT or in cash in favour of to the Chief Minister's Relief Fund 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 or to the satisfaction of the Judicial Magistrate No.1, Tindivanam, failing which the petition for anticipatory bail shall stand dismissed automatically.

[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/-
18/11/2020

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-I,
TINDIVANAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

4 THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
TINDIVANAM TALUK, VILLUPURAM DISTRICT

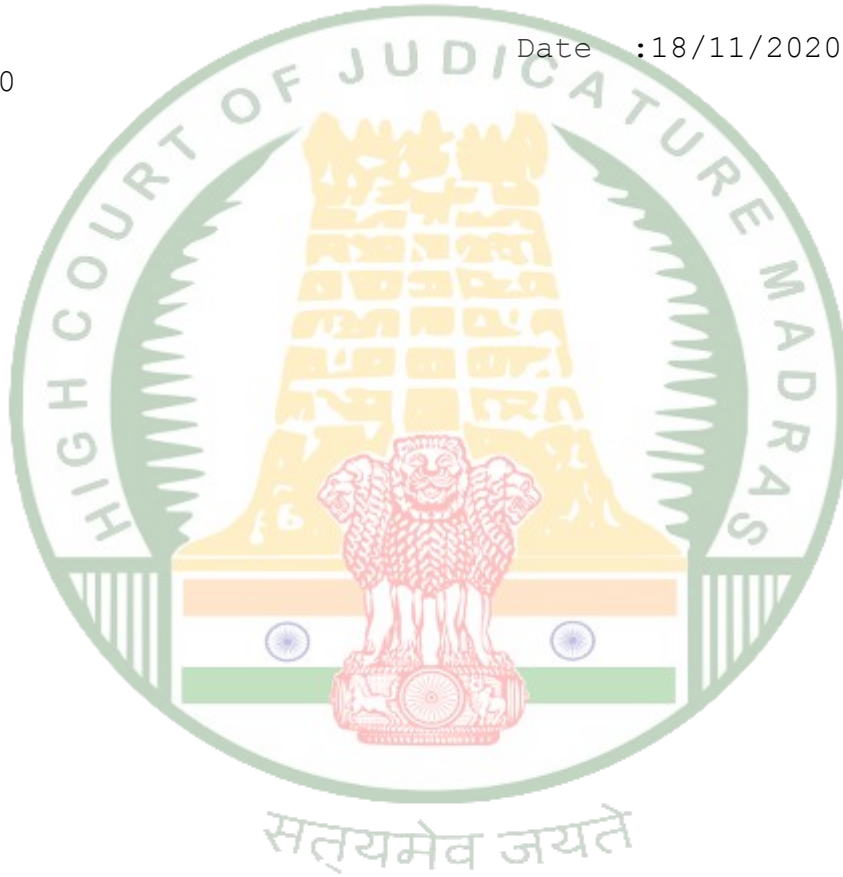
5 THE SECRETARY TO GOV,
CHIEF MINISTERS PUBLIC RELIEF FUND,
FORT ST.GEORGE, CHENNAI 600 009

+1 CC to M/S. M.GNANASEKAR Advocate on payment of necessary
charges SR.NO.7649

CRL OP.18113/2020

Date :18/11/2020

GKS:01/12/2020



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