

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6258 of 2021

LOKESH

[PETITIONER / ACCUSED]

Vs

THE STATE

[RESPONDENT]

REPRESENTED BY THE INSPECTOR OF POLICE,
P.E.W.GUMMUDIPOONDI POLICE STATION,
THIRUVALLORE.
CRIME NO.4 OF 2019

For Petitioner : M/S.AL.GANTHIMATHI Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 4 (1)(aaa), 4(1)(A) of the Tamil Nadu Prohibition Act and 420 of I.P.C and Section 7 and 11 of the Tamil Nadu rectified Spirit Rules, 2000 in Crime No.4 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution in that when the respondent police was on regular checkup they found that the petitioner was illegally transporting 23,000 liters of rectified spirit. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that without prejudice to their defence and contentions, the petitioners are ready to deposit any considerable amount, on their own volition, to any charitable institution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of anticipatory bail by stating that the petitioners was illegally transporting 23,000/- liters of rectified spirit. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner has wilfully and on his own volition agreed to pay cost to any charitable institution as imposed by this Court, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Gummidipoondi, Thiruvallore 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 and on further condition that:

(a) the petitioner shall to deposit a sum of Rs.1,00,000/- (Rupees one Lakh Only) as non-refundable deposit either through RTGS/NEFT or in cash/demand draft in favour of "The Medical Superintendent/Authorised Officer, Eye Hospital Egmore" for the purpose of development of the hospital and produce proof of such payment of the above amount to the Judicial Magistrate, Gummidipoondi, Thiruvallore, at the time of release on bail;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent daily 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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
17/04/2021

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,
GUMMIDIPOONDI, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
P.E.W.GUMMUDIPOONDI POLICE STATION,
THIRUVALLUR.

5 THE MEDICAL SUPERINTENDENT/AUTHORISED OFFICER,
EYE HOSPITAL, EGMORE

+1CC to M/S.AL.GANTHIMATHI Advocate on payment of necessary charges SR NO.4945

CRL OP.6258/2021

MK:23/04/2021

MK:28/04/2021

Date :17/04/2021

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