

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7801 of 2021

GOWRI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
MUTHANDIKUPPAM POLICE STATION,
CUDDALORE DISTRICT.
CR NO.70/2021.

[RESPONDENT]

For Petitioner : M/S.M.VIJAYARAGAVAN Advocate

For Respondent : M/S.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)(a) 4(1-A) of Tamil Nadu Prohibition Act,1937 of IPC in Crime No.70 of 2021, 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 in possession of 5 liters of illicit liquor. 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 petitioner is ready to deposit a sum of Rs.50,000/- in favour of District Medical Officer, Government Hospital, Cuddalore" for treating Covid-19 patients.** 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 petitioner was in

possession of 5 liters of illicit liquor. 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, No.1, Panruti** 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.50,000/- (Rupees fifty Thousand Only) as non-refundable deposit either through RTGS/NEFT or in cash/demand draft in favour of " **The Medical Superintendent/Authorised Officer, Government Hospital, Cuddalore**" for the purpose of development of the hospital and for treating Covid-19 patients and produce proof of such payment of the above amount to the Judicial Magistrate No.1, Panruti, 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter on every Monday at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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;

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

-sd/-
26/04/2021

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,
NO.1, PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE MEDICAL SUPERINTENDENT/
AUTHORISED OFFICER,
GOVERNMENT HOSPITAL,
CUDDALORE .

+1 CC to M/S.M.VIJAYARAGAVAN Advocate on payment of necessary charges SR.NO.5459

CRL OP.7801/2021

Date :26/04/2021

WEB COPY

TA-29/06/2021