

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

Cr1.O.P.No.8716 of 2021

Velmurugan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
PEW Uthangarai Police Station,
Krishnagiri District.
(Crime No.171 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.171 of 2021 on the file of the Respondent.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

O R D E R

(The case has been heard through video conference)

The Petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1) (aaa), 4(1-A) of TNP Act r/w 6 & 7 of R.S.Rules 2000 in Crime No. 171 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused had illegally transported 1500 liters rectified spirit in a Bolero max cap.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.25,000/- to the Dean, Rajiv Gandhi Government Hospital, Chennai, to enable the Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) appearing for the respondent would submit that case properties were recovered and there is no previous case against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that the petitioner is ready to deposit a sum of Rs.25,000/- to the Dean, Rajiv Gandhi Government Hospital, Chennai, for the purpose of treating the COVID-19 patients, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is directed to pay a sum of Rs.25,000/- (Rupees twenty five Thousand only) either through RTGS/NEFT/Cash/Demand Draft in favour of "The Dean, Rajiv Gandhi Government Hospital, Chennai" for the purpose treating COVID-19 patients and produce the proof of such payment to the concerned Judicial Magistrate and on such deposit, the petitioner is ordered to be released on bail in the event of arrest 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.II at Krishnagiri, 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 learned Judicial Magistrate concerned and on further conditions that:

(a) the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) through demand draft drawn in favour of "The Dean, Rajiv Gandhi Government Hospital, Chennai, to enable the Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients, within a period of two weeks. The challan/receipt of such payment shall be produced at the time of executing the bond.

(b) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate 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 daily at 10.30 a.m., until further orders.

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

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

-sd/-
12/05/2021

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.II,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PEW UTHANGARAI POLICE STATION,
KRISHNAGIRI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEAN,
RAJIV GANDHI GOVERNMENT HOSPITAL,
CHENNAI

+1CC to M/S R.SASIKUMAR Advocate on payment of necessary charges SR NO.6086

CRL OP.8716/2021

Date :12/05/2021