

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

CrI.O.P.No.9031 of 2021

Mathew Samraj

.. Petitioner

Vs.

The State rep. by
The Sub-Inspector of Police
Vellore Taluk Police Station,
Vellore District.
Crime No.98 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner in the event of his arrest by the respondent police in Cr.No.98 of 2021 on the file of the respondent police.

For Petitioner : Mr. M.R.Thangavel

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 4(1)(a) and 4(1)(h) of TN Prohibition Act, in Crime No.98 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 51 bottles of TASMAL Liquor containing 180 ml each.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution 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/- (Rupees Twenty Five Thousand only) to the Dean, Government Medical College and Hospital, Vellore, to enable the Dean to use the aforesaid amount for the purpose of treating and providing facilities to the COVID-19 patients.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner has no previous case. However, he opposed for grant of 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, Government Medical College and Hospital, Vellore, for the purpose of treating and providing facilities to the COVID-19 patients, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate-I, Vellore, 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition 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, Government Hospital and College, Vellore, to enable the Medical Officer/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 his photographs and Left Thumb Impression in the surety bond and the 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 as and when required for interrogation.

[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.

-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.I, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 SUB-INSPECTOR OF POLICE
VELLORE TALUK POLICE STATION,
VELLORE DISTRICT.

5 THE DEAN,
GOVERNMENT HOSPITAL AND COLLEGE,
VELLORE

CC to M/S.M.R.THANGAVEL Advocate on payment of necessary charges Sr.6179

CRL OP.9031/2021

Date :12/05/2021

RVR 02/06/2021

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