

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2021

CORAM

THE HONOURABLE Mrs. JUSTICE S.KANNAMMAL

Crl.O.P.No.9255 of 2021

N.Muthu @ Kuppamuthu

... Petitioner

Vs.

State rep. by

Inspector of Police

Karupoor Police Station,

Omalur Taluk, Salem District.

(Crime No.Not known of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of arrest in connection with Crime No.Not Known of 2021 on the file of the respondent police.

For Petitioner : Mr.L.Ramu

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. 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 294(b) and 506(ii) IPC r/w 4(1) of TN Prohibition Act, in Crime No.Not Known 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 150 bottles of illicit arrack.

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.20,000/-(Rupees Twenty

Thousand only) to The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856, 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.20,000/- to The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856, 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, Salem, 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.20,000/- (Rupees Twenty Thousand Only) through demand draft drawn in favour of the The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c.No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856, 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.

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

-sd/-

13/05/2021

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, SALEM. सत्यमेव जयते

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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4 THE INSPECTOR OF POLICE,
KARUPOOR POLICE STATION,
OMALUR TALUK,
SALEM DISTRICT.

6 THE DEAN,
RAJIV GANDHI GOVERNMENT GENERAL HOSPITAL,
CHENNAI, BEARING A/C.NO.10273425961,
STATE BANK OF INDIA, PARK TOWN (CHENNAI),
68, EVENING BAZAAR ROAD, CHENNAI,
IFSC:SBIN0001856

CC to M/S.L.RAMU Advocate on payment of necessary charges

CRL OP.9255/2021

Date :13/05/2021

cs 06/07/2021



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