IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10340 of 2021

1. Velan Kumar
2. Natarajan
3. Saambu @ Raj Kumar ... Petitioner

Vs.

The State represented by
Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore District.
(Cr.No.192 of 2021) ... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail in the event of their arrest in Crime No.192 of 2021 on the file of the respondent police.

For Petitioners : Mr.B.Sasidaran

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 4(1)(aaa) and 4(1-A) and 4(1)(g) of Tamil Nadu Prohibition Act,1937 in Crime No.192 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police was on regular checkup they found that the petitioners were in possession of 250 liters of Ural and 50 liters of country arrack. Hence, the law enforcing agency registered a case against the petitioners.

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3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. On instructions he would further submits that without prejudice to their defence and contentions, the petitioners are ready to deposit a sum of Rs.30,000/- in favour of District Medical Officer, Government Hospital, Cuddalore, Cuddalore District" for treating Covid-19 patients. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of anticipatory bail by stating that the petitioners were in possession of 250 liters of Ural and 50 liters of country arrack. Hence he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the submissions advanced on behalf of the petitioners and also the fact that the petitioners have willfully and on their own volition agreed to pay cost to any charitable institution as imposed by this Court, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Chidambaram, Cuddalore District on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 petitioners shall to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) as non-refundable deposit either through RTGS/NEFT or in cash/demand draft in favour of " District Medical Officer/Authorised Officer, Government Hospital, Cuddalore, Cuddalore District" for treating Covid-19 patients and produce proof of such payment of the above amount to the Judicial Magistrate-I, Chidambaram, Cuddalore District at the time of release on bail;

(b) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

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(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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/-
16/06/2021

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, CHIDAMBARAM,
CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANNAMALAI NAGAR POLICE STATION,
CUDDALORE DISTRICT.

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5 THE DISTRICT MEDICAL OFFICER/
AUTHORISED OFFICER, GOVERNMENT HOSPITAL,
CUDDALORE, CUDDALORE DISTRICT
FOR TREATING COVID-19 PATIENTS

+1 CC to M/S.B.SASIDARAN Advocate on payment of necessary charges
SR.No.6581

CRL OP.10340/2021

Date :16/06/2021

cs 02/07/2021

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