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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.14679 of 2021

[Through Video conference]

Kumar alias Kumaravelu

... Petitioner

Vs.

The Sub Inspector of Police,
Viruthampet Police Station,
Katpadi Taluk,
Vellore District.
(Crime No.173 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge petitioner on bail in the event of his arrest in connection with Crime No.173 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Ashokkumar

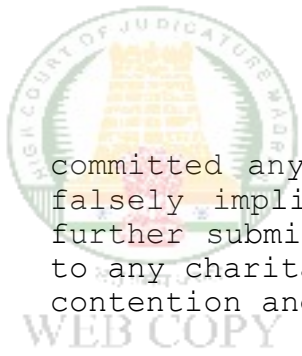
For Respondent : Mr.V.J.Priyadarsana
Government Advocate

ORDER

The petitioner, who apprehends arrest for the alleged offences punishable under Section 4(1) (a) and 4 (1-A), (ii) of the Tamil Nadu Prohibition Act, in Crime No.173 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was illegally found in possession of 180 ml quantity of 120 liquor bottles. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner submitted that this is the second anticipatory bail petition before this Court and the earlier application for anticipatory bail was dismissed by this Court vide order dated 12.05.2021 in Crl.O.P.No.8667 of 2021. He further submitted that the petitioner is innocent and he has not



committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However on instructions, he would further submit that the petitioner is prepared to deposit some amount to any charitable organization or association without prejudice to his contention and prayed for grant of anticipatory bail.

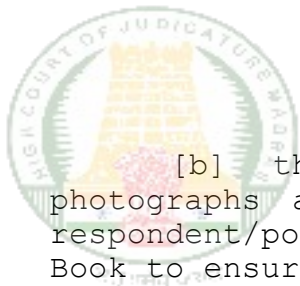
4. The learned Government Advocate appearing for the respondent submitted that the petitioner was found to be in possession of 180 ml quantity of 120 liquor bottles illegally. He would further submitted that he has five previous cases pending against the petitioner. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. It is seen that there are three previous cases pending against the petitioner and in order to curb the illegal activities with which the petitioner indulged, this Court is of the opinion that the petitioner shall be directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the account of 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, without prejudice to his rights and contentions before the trial Court.

6. It is made clear that merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of 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, within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or his appearance on production of proof of deposit of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.



[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

WEB COPY [c] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[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 is 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/-
22/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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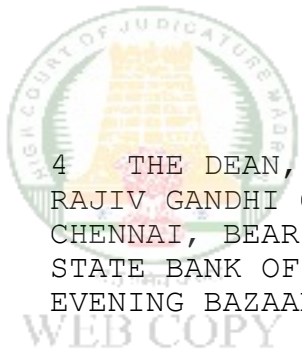
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT COURT,
VELLORE, VELLORE DISTRICT.

2 SUB INSPECTOR OF POLICE
VIRUTHAMPET POLICE STATION,
KATPADI TALUK, VELLORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 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. ASHOKKUMAR D. Advocate on payment of necessary charges

CRL OP.14679/2021

Date :22/09/2021

JPA 07/10/2021