IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10490 of 2021

Jaisankar ... Petitioner

Vs.

The State rep.by its
Inspector of Police,
P.E.W. Police Station,
Ceyyar, Tiruvannamalai District.
(Cr.No.469 of 2021) ... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of his arrest in Crime No.469 of 2021 pending on the file of the respondent.

For Petitioner : Mr.B.Jawahar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 4(1)(aaa) and 4(1-A)(ii) of Tamil Nadu Prohibition Act, 1937 r/w Section 6 and 7 of R.S.Rules in Crime No.469 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution in that when the respondent police was on regular checkup they found that the petitioner was in possession of 210 liters of rectified spirit. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. On instructions he would further submits that without prejudice to their defence and contentions, the petitioner is ready to deposit a sum of Rs.25,000/- in favour of District Medical Officer, Government Hospital, Tiruvannamalai, Tiruvannamalai District" for treating Covid-19 patients. Therefore, he prays to grant anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of anticipatory bail by stating that the petitioner was in possession of 210 liters of rectified spirit. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner has willfully and on his own volition agreed to pay cost to any charitable institution as imposed by this Court, 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Cheyyar 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 and on further condition that:

(a) the petitioner shall to deposit a sum of Rs.25,000/- (Rupees Twenty Five 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, Tiruvannamalai, Tiruvannamalai District" for treating Covid-19 patients and produce proof of such payment of the above amount to the learned Judicial Magistrate, Cheyyar, at the time of release on bail;

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

(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]; and;

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(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

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

TO

1 THE JUDICIAL MAGISTRATE,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P.E.W. POLICE STATION,
CHEYYAR,
THIRUVANNAMALAI DISTRICT.

5 THE DISTRICT MEDICAL OFFICER/AUTHORISED OFFICER,
GOVERNMENT HOSPITAL,
TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT .

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.10490/2021

Date :16/06/2021

MK:14/07/2021

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