

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.10867 of 2021

L.Shanmugam

...Petitioner

Versus

State represented by
The Inspector of Police,
Perur Police Station,
Coimbatore -641 201.
(Crime No.792 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.792 of 2021 on the file of the respondent.

For Petitioner : Mr.K.Vasanthanayagan

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 under Sections 4(1) (b), 4(1)(g) read with 4(1)-(A) of the Tamil Nadu Prohibition Act, and Sections 269, 271 and 291 of IPC, 1860 and Section 3 of Epidemic Disease Act, 1897, in Crime No.792 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 10 litres and 1200 litres of ID arrack and the same was seized by the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that without prejudice to his defence and contentions, the petitioner, on her own volition, is ready to deposit Rs.50,000/- to The Medical Superintendent, Government Hospital, Coimbatore for treating COVID-19 patients.

4.The learned Government Advocate (Crl.Side) submitted that there is one previous case pending against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

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 of receipt of a copy of this order, before the learned Judicial Magistrate Court No.5, Coimbatore, 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)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall make a non-refundable deposit of Rs.50,000/- (Rupees fifty Thousand Only) either through RTGS/NEFT/Cash/Demand Draft in favour of "The Medical Superintendent/Authorised Officer, Government Hospital, Coimbatore" for the purpose of treating COVID-19 patients without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(c)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;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
25/06/2021

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 COURT NO.5,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PERUR POLICE STATION,
COIMBATORE - 641 201.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE MEDICAL SUPERINTENDENT/AUTHORISED OFFICER,
GOVERNMENT HOSPITAL, COIMBATORE.

+1 CC to M/S.K.VASANTHANAYAGAN Advocate on payment of necessary charges SR.NO. 6866

WEB COPY

CRL OP.10867/2021

Date :25/06/2021

MN-02/07/2021