



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16988 of 2021

Gopi

... Petitioner

Vs.

State.rep by,  
The Inspector of Police,  
PEW Ranipet Police Station,  
Ranipet District.  
(Crime No.358 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.358 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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

ORDER

**(\*)The petitioner who was arrested on 19.08.2021 and remanded to judicial custody for the offences punishable under Sections 4(1)(aaa), 4(1-A)(ii) of T.N.P. Act r/w Sections 6 and 7 of Tamil Nadu Rectified Spirit Rules 2000, in Crime No.358 of 2021 on the file of the respondent police, seek bail.**

2. The case of the prosecution is that when the respondent police was on regular checkup they found that the petitioner was found in illegal possession of 3500 litres of ID Arrack Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 19.08.2021. However, on instructions, the learned counsel further submits that the petitioner, without prejudice his rights, on his own volition, is ready to deposit an amount of Rs.1,00,000/- for the purpose of desilting and renovating the Ulundurpet Keeranur Lake (U-Keeranur Lake) in Kallakurichi District. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the concerned Tahsildar, Ulundurpet Taluk, Kallakurichi District and Executive Officer, Ulundurpet Town Panchayat, Kallakurichi District are present before this Court. He further submits that the concerned Officers are ready to remove the encroachment on Ulundurpet Keeranur Lake (U-Keeranur Lake) in Kallakurichi District and desilt and maintain the lake within the period of 4 weeks from the date of receipt of the amount.

5. Considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a separate 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 learned Judicial Magistrate, Arcot and on further condition that:

(a) as undertaken by the petitioner on his own volition, the petitioner shall make a non refundable deposit of 1,00,000/- by way of demand draft drawn in favour of *The Tahsildar, Ulundurpet Taluk, Kallakurichi District* for the purpose of desilting and maintaining of *Ulundurpet Keeranur Lake (U-Keeranur Lake) in Kallakurichi District*, 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/acknowledgment, shall accept the sureties furnished by the petitioner;

(b) the sureties shall affix their 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, daily at 10.30 a.m. 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 has 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/-

17/09/2021

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.

**(\*) Amended as per order of this court dated 28.09.2021 made in CRL.MP.NO.9953 of 2021 in CRL.OP.NO.16988 of 2021.**

TO

1 THE JUDICIAL MAGISTRATE,  
ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE,  
VELLORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
PEW RANIPET POLICE STATION,  
RANIPET DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

5 THE TAHSILDAR,  
ULUNDURPET TALUK,  
KALLAKURICHI DISTRICT.

6 THE EXECUTIVE OFFICER,  
ULUNDURPET TOWN PANCHAYAT,  
KALLAKURICHI DISTRICT.

7 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges  
SR.NO.10665

CRL OP.16988/2021

Date :17/09/2021

CSK 20/09/2021

CSK 28/09/2021

<https://hcservices.ecourts.gov.in/hcservices/>