



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24077 of 2021

Rajasekar

... Petitioner

Versus

State represented by
The Inspector of Police,
Prohibition Enforcement Wing, Panruti,
Cuddalore District.
(Crime No.1114 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 arrest pending investigation in Crime No.1114 of 2021 on the file of the respondent police station.

For Petitioner : Mr.A.M.Rahamath Ali

For Respondent : Mr.N.S.Sugunthan,
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 465, 468, 470 of IPC, 4(1)(aaa), 4(1-A) and 14-A of TNP Act in Crime No.1114 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 28.08.2021 on information the respondent and party intercepted a Scorpio SUV in which, the respondent found 1440 bottles of brandy and 100 liters of arrack which were seized. The two inmates of the vehicle were arrested and remanded to custody. Investigation led to the arrest of another person one Velavan who confessed that the contrabands were purchased from the petitioner herein and the name of the petitioner was implicated in the said case. Hence the complaint.

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. Hence, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner was seized 1440 bottles of brandy and 100 liters of arrack. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.30,000/- (Rupees Thirty Thousand Only), to the credit of the Government Leprosy Rahabilitation Home, Paranur, Chengalpet without prejudice to his rights and contentions and the said amount shall be utilized for improving the infrastructure facilities of the said home within 4 weeks and submit report before District Collector of Chengalpet.

6. It is made clear that the deposit of the amount by the petitioner to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of anticipatory bail.

7. Considering the period of incarceration undergone by the petitioner and also the fact that there is no previous cases as against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on their executing separate bonds 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 No.I, Panruti, and on further condition that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) through demand draft to the to the credit of the Government Leprosy Rehabilitation Home, Paranur, Chengalpet and the said amount shall be utilized for improving the infrastructure facilities of the said home and submit the report to the Chengalpet District Collector without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, 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 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/-

13/12/2021

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, PANRUTI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
PANRUTI, CUDDALORE DISTRICT.

4 THE GOVERNMENT LEPROSY
REHABILITATION HOME, PARANUR,
CHENGALPET DISTRICT.

5 THE DISTRICT COLLECTOR,
CHENGALPET DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.A.M.RAHAMATH ALI Advocate on payment of necessary charges SR.NO.14630

CRL OP.24077/2021

Date :13/12/2021