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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24207 of 2021

Jaweed Ahamed ... Petitioner

Versus

The State, represented by
The Inspector of Police,
PEW Ranipet Police Station,
Ranipet District.
(Crime No.358 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.358 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4 (1)(aaa), 4(1-A) of TNP Act r/w Section 7 & 11 of R.S Rules 2000, in Crime No.358 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that the petitioner along with other accused persons were found in illegal possession of 3500 litres of I.D.Arrack. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.50,000/- to any charitable trust. Hence, he prays for grant of anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is no previous case pending against the petitioner and the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

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5.This Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.50,000/- (Rupees Fifty Thousand Only), to the credit of the Government Leprosy Rehabilitation Home, Paranur, Chengalpet without prejudice to his rights and contentions and the said amount shall be utilzed for improving the infrastructure facilities of the said home and submit report before the District Collector of Chengalpet.

6. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Arcot, Ranipet District, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

> [a] the petitioner shall make non-refundable deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) by way of demand draft 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, within a period of two weeks from the date of receipt of copy of this order, without prejudice to his 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 petitioner and 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 is directed to report before the respondent police daily at 10.30 a.m., until further orders. .

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[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
13/12/2021

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,
ARCOT, RANIPET DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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5 THE GOVERNMENT LEPROSY REHABILITATION HOME,
PARANUR, CHENGALPET

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges SR.NO.14599

CRL OP.24207/2021

Date :13/12/2021

JPA 22/12/2021

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