



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.2540 of 2022

1. Madavan
2. Viki @ Viknesh
3. Pandiyan

... Petitioner

Vs.

The State rep. by its
The Inspector of Police
Attur Rural Police Station,
Salem District.
(Crime No.491 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C. praying to enlarge the petitioner on anticipatory bail relating to the alleged offences in Crime No.491 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.Ganesan

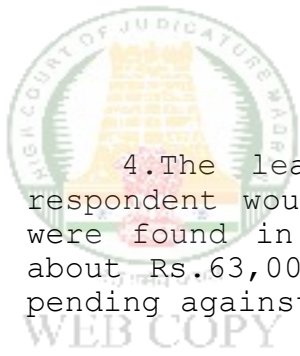
For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

ORDER

The petitioners, who apprehend arrest for the offences under Sections 4(1) (aaa) and 4(1-A) of TNP Act in Crime No.491 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, the petitioners were found in illegal possession of 126 litres of ID Arrack worth about Rs.63,000/-. Hence, the complaint.

3.The learned counsel for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent would raise strong objection stating that the petitioners were found in illegal possession of 126 litres of ID Arrack worth about Rs.63,000/-. He further submits there are no previous cases pending against the petitioners.

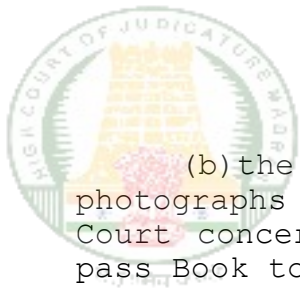
5. Considering the submissions made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand Only) each, to the credit of Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the said Cancer Institute for the treating the patients.

6. It is made clear that the deposit of the amount by the petitioners to the said Institute 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 bail.

7. Considering the facts and circumstances of the case and that there are no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Attur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each, as non-refundable deposit through RTGS/NEFT/Demand Draft in favour of the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below;



(b) the petitioners 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;

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(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders.

(e) the petitioners shall not commit any offences of similar nature;

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

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

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

-sd/-
04/02/2022

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, ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ATTUR RURAL POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 CANCER INSTITUTE (WIA)
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI - 600020, BEARING
A/C.NO.149710011005477, ANDHRA BANK, MADHYA
KAILASH BRANCH,

CC to T.GANESAN Advocate on payment of necessary charges

CRL OP.2540/2022

Date :04/02/2022

JPA 10/02/2022