

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17887 of 2019

PASUMPON

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
VELIPPALAYAM POLICE STATION,
VELIPPALAYAM,
NAGAPATTINAM DISTRICT.
CRIME NO. 202 OF 2019

For Petitioner : M/S.MURUGA BHARATHI R. Advocate

For Respondent : MRS.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 16.06.2019 for the offence punishable under Sections 4(1) (aaa), r/w 4(1-A) of TNP (Transport) Act in Crime No.202 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is alleged to have found in possession of 220 litres of arrack illegally. Hence, this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. Further, on instruction, he would submit that in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.10,000/- to the Dean, Stanley Medical College and Hospital, Chennai and that the petitioner is in judicial custody from 16.06.2019. Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor (Crl.Side) would submit that the petitioner is in possession of 220 litres of arrack illegally. Hence, she vehemently opposed for grant of bail to the petitioner.

5.Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 16.06.2019, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) directly to the Dean, Stanley Medical College and Hospital, Chennai, and on such deposit the petitioner is ordered to be released on bail on his executing a bond for a 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.II, Nagapattinam, Nagapattinam District and on further conditions that:-

[a] 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.

[b] the petitioner shall deposit a sum of Rs.10,000/-(Rupees ten thousand only) directly to the Dean, Stanley Medical College and Hospital, Chennai, to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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/-
08/07/2019

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.II
NAGAPATTINAM,
NAGAPATTINAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VELIPPALAYAM POLICE STATION,
VELIPPALAYAM,
NAGAPATTINAM DISTRICT.

5 THE OFFICER INCHARGE
WOMEN JAIL, THIRUVARUR

6 THE DEAN
STANLEY MEDICAL COLLEGE AND HOSPITAL,
CHENNAI

+1 CC to M/S.MURUGA BHARATHI R. Advocate on payment of necessary charges SR.NO.13728

CRL OP.17887/2019

Date :08/07/2019

cm 08/07/2019