

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.8807 of 2020

Rajendran @ Nondi Rajendran

... Petitioner

Vs.

The State Rep. by its
The Inspector of Police,
Maraimalainagar Police Station,
Chengalpattu.
Crime No.819 of 2020.

.... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., praying, to enlarge the petitioner/accused on bail in the event of arrest in connection with Crime No.819 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 4(1)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act, 1937 r/w 6 and 11 of R.S. Rules 2000, in Crime No.819 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with another accused were found illegally transporting 420 litres of rectified spirit in a Xylo car and the respondent Police seized the vehicle and the rectified spirit and registered a complaint.

3.The learned counsel for the petitioner submitted that already co-accused was arrested and released on bail and only based on the confession of co-accused, the petitioner has been falsely implicated in this case. Therefore, he seeks for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner along with another accused were found illegally transporting 420 litres of rectified spirit in a car. The learned counsel further submitted that one previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to this petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) directly to the **Cancer Institute (WIA), Adyar, Chennai**, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Chengalpattu, on further condition that the petitioner shall execute a separate bond for a sum of Rs.5,000/- (Rupees five 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 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.

[b] the **petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) directly to the Cancer Institute (WIA), Adyar, Chennai**, and submit the proof of the same before the concerned Judicial Magistrate, while executing bond.

[c] the petitioner shall report before the respondent police, as and when required for interrogation.

[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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
17/06/2020

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,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MARAIMALAI NAGAR POLICE STATION,
CHENGALPATTU DISTRICT.

5 THE CANCER INSTITUTE (WIA),
ADYAR, CHENNAI.

CC to M/S R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.8807/2020

Date :17/06/2020

TA-26/08/2020

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