

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.07.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.9864 of 2020

Chandran

... Petitioner

/versus/

State rep. by its
The Inspector of Police,
P.E.W. Mayiladuthurai Police Station
Nagapattinam District
(Crime No.519 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail relating to Crime No.519 of 2020 on the file of Inspector of Police, P.E.W Mayiladuthurai Police Station, Nagapattinam District.

For petitioner : Mr.S.P.Hari Krishnan

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.06.2020 for the offence punishable under Sections 4(1)(aaa) R/w 4(1-A) of Tamil Nadu Prohibition (Transport) Act in Crime No.519 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner transported 1000 litres of illicit arrack in Hyundai Acent Car, from Puducherry to Tamil Nadu, for which A2 was escorting the car by riding motor cycle in front of the car. The same was seized by the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit some considerable amount to any charitable organization or Association, and that the petitioner has been suffering incarceration from 16.06.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that

the petitioner illegally transported from Puducherry to Tamilnadu 1000 litres of ID arrack in Hyundai Acent Car along with A2 who was escorting the car. The accused have transported huge quantity of ID arrack which was seized by the respondent police. He further submitted that there is no previous cases pending against the petitioner.

5. Considering the facts and circumstances, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition **to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the Madras High Court Advocates Clerks Welfare Association, S.B.Account No.484077244, Indian Bank, High Court branch, IFSC IDIB000M157** and on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate No.I, Mayiladuthurai, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

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

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

(g) the petitioner 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
01/07/2020

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.1,
MAYILADUTHURAI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT,MADRAS.

4 THE INSPECTOR OF POLICE,
P.E.W MAYILADUTHURAI POLICE STATION,
NAGAPATTINAM DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON,TRICHY

6 THE MADRAS HIGH COURT
ADVOCATES CLERKS WELFARE ASSOCIATION,
S.B.ACCOUNT.NO.484077244,
INDIAN BANK, HIGH COURT BRANCH,
IFSC CODE:IDIB000M157

CC to M/S. S.P.HARI KRISHNAN Advocate on payment of
necessary charges

CRL OP.9864/2020

Date :01/07/2020