

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.201

CORAM

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1671 of 2021

Ramesh @ Ganesan

.. Petitioner

Vs.

State rep. By its
Inspector of Police
PEW Nagapattinam Police Station
Nagapattinam District
(Crime No.148 of 2021)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.148 of 2021 on the file of the respondent Police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 4(1) (aaa) r/w 4(1-A) TNP (Transport) Act, in Crime No. 148 of 2021, on the file of the respondent police, seeks anticipatory bail.

2 It is the case of the prosecution that totally two accused persons involved in this case. The petitioner is arrayed as A2. On the date of occurrence, he along with A1 illegally transported 1440 bottles of ID Arrack, each containing 180 ml of liquor in a Etious vehicle. A1 was arrested and he is in judicial custody. The petitioner/A2 is the owner of vehicle and vehicle was seized. Thereby, the respondent police registered a case against the petitioner.

3 The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the vehicle and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the A1 is in judicial custody and the vehicle was seized by the respondent police. Hence, he seeks for grant of anticipatory bail to the petitioner/A2.

4 The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner/A1 is the owner of goods and petitioner/A2 is the owner of the vehicle. He would submit that he has transported 1440 bottles of ID Arrack, each containing 180 ml of liquor. He has further submitted that A1 was arrested and he was in judicial custody. However, he opposed to grant anticipatory bail to the petitioner/A2.

5. Taking into consideration the facts and submissions of the learned Counsel, then the petitioner only owner of the vehicle, and the vehicle was seized, the main accused A1 was arrested and he is in judicial custody, this Court is inclined to grant anticipatory bail to the petitioner/A2 subject to the following conditions;

6 Accordingly, the petitioner/A2 is directed to be released on bail in the event of his 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 -I, Nagapattinam, on condition that the petitioner shall execute a separate 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 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 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 the interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[e] 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].

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

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

-sd/-

04/02/2021

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, NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
PEW NAGAPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S. J.JAWAHAR Advocate on payment of necessary charges

CRL OP.1671/2021

Date :04/02/2021

RVR 10/02/2021

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