

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.Nos.1273 & 1278 of 2021

Velu @ Velu Chettiyar ... Petitioner in Crl.O.P.1273/2021

Dhanadevan ... Petitioner in Crl.O.P.1278/2021

Vs.

State Rep. by
The Inspector of Police,
PEW Gummudipoondi Police Station,
Thiruvallur District.
(Crime No.4 of 2019)

... Respondent in both Crl.O.Ps

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.4 of 2019 on the file of Respondent Police.

For Petitioner : Mr. R.Sasikumar
in both Crl.O.Ps.

For Respondent : Mrs.M. Prabhavathi,
in both Crl.O.Ps. APP

O R D E R

(The case has been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 10.01.2021 for the offence punishable under Sections 4(1)(aaa) r/w. 4(1-A) of TNP Act and Section 420 of IPC r/w. 7 & 11 of TNRS Rules 2000 in Crime No.4 of 2019, seeks bail.

2. The case of the prosecution is that the petitioners along with other accused have transported 23000 liters of Rectified Spirit in a lorry. Hence, a case has been registered.

3. The learned counsel for the petitioners would submit that the occurrence has taken place in the year 2019 and they have been falsely implicated in this case only based on the confession of co-accused. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with other accused have transported 23000 liters of Rectified Spirit and A4(Velu @ Velu Chettiyar) in this case is having 8 previous cases and A6(Dhanadevan) in this case is having one previous case. Hence, she opposed to grant bail to the petitioners.

5. Considering the said facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to 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 learned District Munsif cum Judicial Magistrate, Gummudipoondi, and on further conditions that:

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

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

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

(g) 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];

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

6. With the above directions, both the Criminal Original Petitions are ordered.

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-sd/-

11/02/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUMMUDIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PEW GUMMIDIPOONDI POLICE STATION,
THIRUVALLUR.

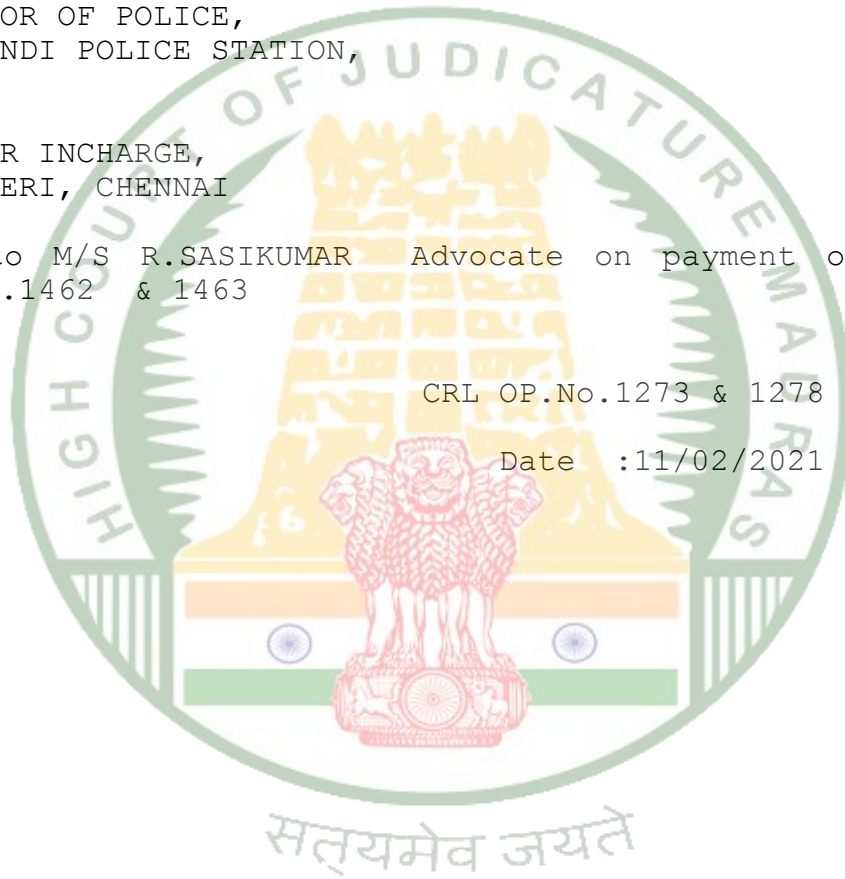
5 THE OFFICER INCHARGE,
SUB JAIL, PONNERI, CHENNAI

+2 CC to M/S R.SASIKUMAR Advocate on payment of necessary
charges SR.Nos.1462 & 1463

CRL OP.No.1273 & 1278 of 2021

Date :11/02/2021

RVR 12/02/2021



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