

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4578 of 2021

Kumar @ Jayakumar

... Petitioner

Vs.

State Rep. By:-

... Respondent

The Inspector of Police,
Nannilam Police Station,
Thiruvavur Dt.
(Crime No.228 of 2021)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Cr.No.228 of 2021 on the file of the respondent.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

O R D E R

(The case has been heard through video conference)

Totally, there are 4 accused and the petitioner is arrayed as A3. He apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.228 of 2021, on the file of the respondent police, and now, he has filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that A1 and A2 in this case said to have transported 2700 bottles of liquor from Puducherry, which was seized by the respondent police. On investigation, it was came to know that the contraband has been meant for the petitioner, which was sold by A4 at Karaikal. Hence, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been filed.

3. The learned counsel appearing for the petitioner submitted that

he is an innocent person and he is no way connected with the offence. He would also submit that he has been falsely implicated in this case and A1 and A2 were arrested and already released on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that A1 and A2 were arrested and already released on bail and now the investigation is almost completed. He would submit that the petitioner has no bad antecedents. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that, the co-accused A1 and A2 were already released on bail and there is no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Nannilam, Thiruvavarur Dt. on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, and on further condition that:

[b] 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;

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders;

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

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

-sd/-
09/03/2021

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,
NANNILAM, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NANNILAM POLICE STATION,
THIRUVARUR DISTRICT.

+1 CC to M/S. P.MUTHAMIZH SELVAKUMAR Advocate on payment of necessary charges SR.NO.3098.

CRL OP.4578/2021

Date :09/03/2021

EP-15/03/2021

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