

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5175 of 2021

Elaiyaraja

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Vedaranyam Police Station,
Vedaranyam,
Nagapattinam District.
(Crime No.130 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.130 of 2021 on the file of the respondent police.

For Petitioner : Mr. N. Palanivel

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 19.02.2021 for the offence punishable under Sections 420, 468, 471, 473, 485, 486, 120(B) of IPC r/w. Section 4(1) (aaa), 4(1)(h) r/w. 4(1-A) of TNP (Transport) Act and 5, 7 of Tamil Nadu Rectified Spirit Rules in Crime No.130 of 2021, seeks bail.

2. Totally, there are 3 accused. The petitioner is arrayed as A3. The case of the prosecution is that the petitioner along with other accused said to have manufactured illicit liquor for sale by using duplicate Government labels and unauthorizedly transported huge quantity of illicit arrack. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is the driver of the vehicle. He has driven the vehicle without knowing the fact that the goods inside the vehicle are illicit arrack. He is in jail from 19.02.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused transported more than 500 bottles of illicit arrack, with fake Government Labels, to sell the same. Now, two other accused are still absconding. Hence, she opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that the petitioner is only the driver of the car and also considering the period of incarceration suffered by the petitioner, 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 execute a 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 learned District Munsif cum Judicial Magistrate, Vedaranyam 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 petitioner, on release from the prison, shall report before the respondent police daily at 10.30 a.m., until further orders;

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

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

(f) the petitioner 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 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];

(h) 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/-
16/03/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDARANYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE SUPERINTENDENT,
DISTRICT PRISON, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VEDARANYAM POLICE STATION,
VEDARANYAM,
NAGAPATTINAM DISTRICT

+1CC to M/S.N.PALANIVEL Advocate on payment of necessary charges SR NO.3390

CRL OP.5175/2021

Date :16/03/2021

MK:17/03/2021

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