

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6541 of 2021

Rajendran @ Nondi Rajendran

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
PEW Periyapalayam Police Station,
Thiruvallur District.
(Crime No.67 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.67 of 2021 on the file of the Respondent Police.

For Petitioner : Mr. R. Sasikumar

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 05.03.2021 for the offence punishable under Sections 4(1)(aaa), r/w. 4(1-A) of Tamil Nadu Prohibition Act and Section 328 of IPC r/w. 7 & 11 of TNRS Rules 2000(Trans portion) in Crime No.67of 2021, seeks bail.

2. Totally, there are 11 accused and the petitioner is arrayed as A8. The case of the prosecution is that all the accused have illegally transported 1568 liters of rectified spirit without any valid licence. Based on the confession given by the driver of the vehicle, the petitioner has been implicated in this case. The allegation as against the petitioner is that the petitioner said to have purchased the liquor from other state and distributed the same to various places in Tamilnadu. The petitioner was arrested on 05.03.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel for the petitioner would submit that out of 11 accused, now A1 to A7 detained under Act 14 of 1982 and A9

in this case was granted anticipatory bail. The name of the petitioner is not found place in the First Information Report. Only based on the confession of the other accused, he has been implicated in this case. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the kingpin. He only purchased the liquor from outside the State and distributed the same in Tamilnadu and case properties were recovered. The petitioner is having 3 previous cases and he was arrested through P.T.Warrant. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and also the fact that entire contraband has been recovered and co-accused in this case has already been released on bail 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 Judicial Magistrate No.I, Thiruvallur, 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 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/-
31/03/2021

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,
NO.1, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PEW PERIYAPALAYAM POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR.NO.4300

CRL OP.6541/2021

Date :31/03/2021

TA-01/04/2021

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