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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.7813 of 2021

Chandraboss Perumal

... Petitioner/Accused

Vs.

The State rep. by  
The Inspector of Police,  
Thittacherry Police Station,  
Nagapattinam District.  
Crime No.145 of 2021.

... Respondent/Complainant

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.145 of 2021 on the file of the Inspector of Police, Thittacherry Police Station, Nagapattinam District.

|                |                                                    |
|----------------|----------------------------------------------------|
| For Petitioner | : Mr.V.Vivek, Advocate                             |
| For Respondent | : Ms.M.Prabhavathi<br>Additional Public Prosecutor |

ORDER

The petitioner who was arrested on 13.03.2021 for the offence under Sections 4(1)(aaa) and 4(1-A) of the Tamil Nadu Prohibition Act in Cr.No.145 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner was found to be in illegal possession of 110 litres of Pondicherry Arrack.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case. The learned counsel, on instructions, would further submit that the petitioner is ready to deposit Rs.2 Lakhs for treating Covid 19 patients at Rajiv Gandhi Hospital.



4.The learned Additional Public Prosecutor submitted that there are eight previous cases pending against the petitioner.

5.Considering the period of incarceration undergone by the petitioner and the fact that the petitioner is ready to deposit the amount that is to be imposed by this Court, I am inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Nagapattinam District and on further condition that:

(a) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) through demand draft drawn in favour of the Dean, Rajiv Gandhi Government General Hospital, GH Post Office, 3, Poonamallee High Road, Near Chennai Central, Near Park Town, Chennai - 600 003, to enable the Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients. The challan/ receipt of such payment shall be produced at the time of executing the bond.

(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 report 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]; and;



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

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-sd/-  
26/04/2021

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 SESSIONS JUDGE  
NAGAPATTINAM DISTRICT.
2. THE OFFICER-IN-CHARGE  
SUB JAIL, NAGAPATTINAM.
- 3 THE INSPECTOR OF POLICE,  
THITTACHERRY POLICE STATION,  
NAGAPATTINAM DISTRICT.
4. THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.
5. THE DEAN,  
RAJIV GANDHI GOVERNMENT GENERAL HOSPITAL,  
GH POST OFFICE,  
3, POONAMALLEE HIGH ROAD,  
NEAR CHENNAI CENTRAL, NEAR PARK TOWN,  
CHENNAI - 600 003

CC to Mr.V.Vivek, Advocate on payment of necessary charges

CRL OP.7813/2021

Date : 26/04/2021

TK/26.04.2021