

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.7623 of 2021

Abdul Rahman

... Petitioner

Vs.

State rep. by
Inspector of Police (PEW),
Sirkazhi Police Station,
Sirkazhi, Nagapattinam District.
(Crime No.261 of 2021)

.... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.261 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.T.Saravanan

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

The petitioner who was remanded to judicial custody on 24.02.2021 for the offence under Section 4(1)(aaa) r/w 4(1-A) of TNP (Transport) Act in Crime No.261 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner along with the other accused were found to be in possession of 1000 pockets of I.D. arrack and another 45 litres of I.D. Arrack. The petitioner is arrayed as A2 in the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.40,000/- to the Medical Officer/Dean, Government District Headquarters Hospital, Nagapattinam, to enable the Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients.

4. Heard the submissions made by the learned Additional Public Prosecutor.

5. Considering the fact that the petitioner is ready to deposit a sum of Rs.40,000/- to the Medical Officer/Dean, Government District Headquarters Hospital, Nagapattinam, for the purpose of treating the COVID-19 patients, 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 Judicial Magistrate, Sirkazhi and on further condition that:

(a) the petitioner shall deposit a sum of Rs.40,000/- (Rupees Forty Thousand Only) through demand draft drawn in favour of the Medical Officer/Dean, Government District Headquarters Hospital, Elancheran Nagar, Nagapattinam, to enable the Medical Officer/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 petitioners 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.

-sd/-

28/04/2021

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 JUDICIAL MAGISTRATE,
SIRKAZHI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 INSPECTOR OF POLICE (PEW),
SIRKAZHI POLICE STATION,
SIRKAZHI, NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM

6 THE MEDICAL OFFICER/DEAN,
GOVERNMENT DISTRICT HEADQUARTERS HOSPITAL
ELANCHERAN NAGAR, NAGAPATTINAM.

CC to M/S.C.T.SARAVANAN Advocate on payment of necessary charges Sr.5515

CRL OP.7623/2021

Date :28/04/2021

RVR 29/04/2021