

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7667 of 2021

PRADEEP @ MUTHUSAMY

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
PORAIYAR POLICE STATION,
PORAIYAR,
NAGAPATTINAM DISTRICT
(CR.NO.52/2021)

For Petitioner : M/S.C.T.SARAVANAN Advocate

For Respondent : MR.T.SHUNMUGA RAJESWARAN,
Government Advocate (crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(aaa) of TNP & (Transport) Act in Crime No.52 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused had illegally transported 110 litres of Pondicherry arrack without any valid permit. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the Medical Officer/Dean, Government Hospital, Nagapattinam, to enable the Medical Officer/Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients.

4.The learned Government Advocate (Crl. Side) submitted that the petitioner was found illegally transporting 110 litres of Pondicherry arrack. He further submitted that no previous case is pending as against this petitioner.

5.Considering the fact that the petitioner is ready to deposit a sum of Rs.30,000/- to the Medical Officer/Dean, Government Hospital, Nagapattinam, for the purpose of treating the COVID-19 patients, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.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 cum Munsif, Tharangambadi, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) through demand draft drawn in favour of the Medical Officer/Dean, Government Hospital, Nagapattinam, to enable the Medical Officer/Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients, within a period of two weeks. The challan/receipt of such payment shall be produced at the time of executing the bond.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 for a period of two weeks and thereafter, as and when required for interrogation.

(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.

-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,
CUM MUNSIF, THARANGAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PORAIYAR POLICE STATION,
PORAIYAR, NAGAPATTINAM DISTRICT.

5 THE MEDICAL OFFICER/DEAN,
GOVERNMENT HOSPITAL, NAGAPATTINAM.

+1 CC to M/S.C.T.SARAVANAN Advocate on payment of necessary charges SR.No.5514

CRL OP.7667/2021

Date :28/04/2021

cs 25/05/2021