

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.7981 of 2021

Bakthavatchalam

... 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 has been filed under Section 439 of Cr.P.C, prayed 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
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 21.02.2021 and remanded to judicial custody for the offences under Sections 4(1)(aaa), read with (1-A) of TNP Act and Section 328 of IPC read with 7 & 11 of TNRS Rules 2000 (Transporting) in Cr.No.67 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that during the vehicle check up, the petitioner along with other accused were found in possession of 30 litres from the vehicles and 15,000 litres from their godown. Hence, the respondent police registered a case against the petitioner and other accused.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution and he is in the judicial custody from 21.02.2021. He further submits that without prejudice to their defence and contentions, the petitioners are ready to deposit Rs.1,00,000/- to the District Medical Officer, Government Hospital, Thiruvallur. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioner was in possession of 30 litres from their vehicle and based on confession, the respondent police seized 15,000/- litres from their godown. She would further submit that investigation is almost completed.

5. Taking into consideration the fact that investigation is almost completed 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:

6. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner has willfully and on his own volition agreed to pay cost to any charitable institution as imposed by this Court, 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 surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Thiruvallur within a period of fifteen days from the date of receipt of a copy of this order and on further condition that:

(a) the petitioner shall to deposit a sum of Rs.1,00,000/- (Rupees One lakh Only) as non-refundable deposit either through RTGS/NEFT/cash/demand draft in favour of "The District Medical Officer, Government Hospital, Thiruvallur for the treatment of the Covid-19 patients and produce proof of such payment of the above amount to the Judicial Magistrate, Thiruvallur, at the time of release on bail;

(b) the petitioner and 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.

-sd/-
29/04/2021

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 NO.I,
TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

6 THE DISTRICT MEDICAL OFFICER,
GOVERNMENT HOSPITAL,
THIRUVALLUR

+1CC to M/S.R.SASIKUMAR Advocate on payment of necessary
charges SR NO.5555

CRL OP.7981/2021

Date :29/04/2021