

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12333 of 2022

1 KAMARAJ
2 PASUMPON
3 RAJKUMAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
P.E.W NAGAPATTINAM,
NAGAPATTINAM
NAGAPATTINAM DISTRICT
CRIME NO.677 OF 2022.

[RESPONDENT]

For Petitioners : M/S.R.MURUGABHARATHI Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 4(1)(aaa) r/w 4(1-A) of TNP Act, Transport in Crime No.677 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 110 ltrs of ID Arrack. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. On instructions, he would further submit that the petitioners are ready to deposit an amount of Rs.10,000/- to the Cancer Institute and prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners were found in possession of 110 ltrs of ID Arrack. He would also submit that the petitioners 1 and 3 have no previous cases and the 2nd petitioner has 62 previous cases of similar nature against him. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.10,000/- to the Cancer Institute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit through RTGS/NEFT in favour of the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai 600 020, bearing A/c.No.14971001100577, Andhra Bank, Madhya Kailash Branch, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Nagapattinam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000 /- each (Rupees Ten Thousand only) each 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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 petitioners 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
26/05/2022

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, NAGAPATTINAM, NAGAPATTINAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
P.E.W NAGAPATTINAM,
NAGAPATTINAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CANCER INSTITUTE (WIA)
(REGIONAL CANCER CENTRE), ADYAR,
CHENNAI 600 020, BEARING
A/C.NO.14971001100577,
ANDHRA BANK, MADHYA KAILASH BRANCH

+1 CC to M/S.R.MURUGABHARATHI Advocate on payment of necessary charges SR.NO.7896

CRL OP.12333/2022

Date :26/05/2022

JPA 02/06/2022