

IN THE HIGH COURT OF JUDICATURE AT MADRAS

08.05.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.7419 of 2020

Sivajirao @ Sivaji

...Petitioner

Vs

State rep. By

...Respondent

The Inspector of Police
Prohibition Enforcement Wing
PEW Attur Police Station
Salem District.
(Crime No.247 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail pending investigation in Crime No.131 of 2020 on the file of the respondent police.

For petitioner : Mr.D.Veerasekaran

For respondent : Mr.M.Mohammed Riyaz

Additional Public Prosecutor (Cr1. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.03.2020 for the offence punishable under Sections 4(1)(i), 4(1)(aaa) & 4(1-A) of TNP Act in Crime No.247 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have found in possession of 108 litres of arrack illegally.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and seeks bail.

4. The learned Additional Public Prosecutor (Cr1. Side) would submit that the petitioner is in possession of 108 litres of arrack illegally and he is having two previous cases. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and taking note of the fact that the petitioner is in judicial custody from 19.03.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the Chief Minister Public Relief Fund, and on such deposit the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) before the Superintendent of the concerned prison;

[b] the petitioner shall report before the respondent police as and when required for interrogation;

[c] the petitioner shall not leave Tamil Nadu during the interregnum period;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness 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].

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

08/05/2020

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 CHIEF MINISTER PUBLIC RELIEF FUND,
TAMILNADU.

2 THE JUDICIAL MAGISTRATE,
NO.II, ATTUR.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING
PEW ATTUR POLICE STATION
SALEM DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to MR.D.VEERASEKARAN, Advocate on payment of necessary
charges

CRL OP.7419/2020

Date :08/05/2020

TA-11/06/2020



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