

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.7405 to 7407 of 2020

1.Senthilnathan ... Petitioner in
Crl.O.P.No.7405 of 2020

2.Veerakavi @ Veera Ganesh ... Petitioner in
Crl.O.P.No.7406 of 2020

3.Rajendran ... Petitioner in
Crl.O.P.No.7407 of 2020

Vs.

State Rep. By ... Respondent in all Crl.O.Ps
The Inspector of Police,
Muthupettai Police Station,
Tiruvarur.
Cr. No.671 of 2020

Prayer in all Crl.O.Ps: Criminal Original Petitions filed under Section 439 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.671 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Jaikumar
in all Crl.O.Ps

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor
in all Crl.O.Ps.

COMMON ORDER

The petitioners who were arrested and remanded to judicial custody on 19.04.2020 for the offence punishable under Sections 4(1)(aaa), 4(1)(g), 4(1-A) of TNP Act in Crime No.671 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners are alleged to have found in possession of 120 litres of arrack illegally. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are not involved in the above alleged offence and they are no way connected with the offence as alleged by the prosecution and they did not commit any offence. On instruction, he would submit that in order to show their bonafide, the petitioners are ready and willing to deposit a sum of Rs.10,000/- to the Chief Minister Public Relief Fund. Further he submits that the petitioners are in judicial custody for the past 15 days and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioners are in possession of 120 litres of arrack illegally and he also submitted that there are two previous cases pending against the first petitioner and four previous cases pending against the second petitioner and no previous case pending against the third petitioner. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the petitioners are in judicial custody from 19.04.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] the petitioners shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) each, directly to the Chief Minister Public Relief Fund, and on such deposit the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

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

[d] the petitioners shall not tamper with evidence or witness 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.

6. With the above directions, these Criminal Original Petitions are ordered.

-sd/-
04/05/2020

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 PRINCIPAL SESSIONS JUDGE
THIRUVARUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVARUR.

5 THE OFFICER INCHARGE
MANNARKUDI SUB JAIL,
TIRUVARUR DISTRICT.

CC to MR.M.JAIKUMAR, Advocate on payment of necessary charges

CRL OP.7405 to 7407/2020

Date :04/05/2020

TA-17/06/2020