

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2020

CORAM

THE HONOURABLE MR.JUSTICE. G.K.ILANTHIRAIYAN

Crl.O.P.No.7482 of 2020

Selvaraj

... Petitioner

Vs.

State rep. by

The Inspector of Police,
Vellavedu Police Station,
Thiruvallur District.
(Crime No. 777 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail in Crime No.777 of 2020 pending on the file of the respondent.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.04.2020 for the offence punishable under Sections Under Section 4(1)(g), 4(1)(a) r/w. Section 4(1-A) of TNP Act. He is in Crime No.777 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 110 liters of ID Arrack. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. On instruction, he would submit that the petitioner in order to show his bonafide, is ready and willing to deposit a sum of Rs.10,000/- to the Chief Minister Public Relief Fund. He further submitted that the petitioner is in judicial custody from 24.04.2020 and hence, he seeks for bail to the petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner was found in possession of 110 liters of ID Arrack. Hence, he opposed for the grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 24.04.2020, 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, Tamil Nadu, 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] thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed.**

***[c] The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.**

***[d] the petitioner shall report before the respondent police daily at 10.30 a.m., from 01.06.2020 for a period of two weeks and thereafter as and when required for interrogation.**

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

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

(*amended as per the order of this Court dated 14.05.2020
in CrI.M.P.No.3927 of 2020 in CrI.O.P.No.7482 of 2020)

TO

1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, TIRUVALLUR

2 THE JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

5 INSPECTORE OF POLICE
VELLAVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

6 THE SECRETARY TO GOVERNMENT,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
FORT ST. GEORGE, CHENNAI - 600 009.

**7 THE SUPERINTENDENT,
(*) SUB JAIL, PONNERI**

CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary
charges

CRL OP.7482/2020

Date :08/05/2020

RVR 04/08/2020

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