

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2020

CORAM

THE HONOURABLE MR.JUSTICE. G.K.ILANTHIRAIYAN

Crl.O.P.No.7485 of 2020

Iyyappan

... Petitioner

Vs.

Station House Officer,
Kadampuliyur Police Station,
Cuddalore District.
Crime No.323 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to consider the bail application of the petitioner/Accused No.1 and enlarge the petitioner / Accused No.1 on bail pending investigation in connection with Crime No.323 of 2020 on the file of the Kadampuliyur Police Station, Cuddalore District.

For Petitioner : Mr.N.Mahendra Babu

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.04.2020 for the offence punishable under Sections 4(1)(b), 4(1)(f), 4(1)(g), 4(1)(aa), 4(1-A), 14A of TN Prohibition Act, in Crime No.323 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with two others, was unlawfully preparing banned liquor (Sarayam). 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 19.04.2020 and hence, he seeks for bail to the petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner along with two other accused, was illegally preparing banned liquor. 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 19.04.2020, 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] the petitioner shall report before the respondent police as and when required for interrogation.

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

[d] the petitioner 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 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].

[f] 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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PANRUTI, CUDDALORE DISTRICT.

2 THE PRINCIPAL SESSIONS JUDGE,
CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

<https://hcservices.ecourts.gov.in/hcservices/>

4 THE STATION HOUSE OFFICER
KADAMPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

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

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

CRL OP.7485/2020

Date :08/05/2020

RVR 25/06/2020



WEB COPY