

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 7492 of 2020

1.V.Shanmugam  
2.L.Thangavel

... Petitioners

Vs.

State Rep. by  
Inspector of Police,  
Negamam Police Station,  
Coimbatore.  
Cr. No. 766 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail concerned in Crime No.766 of 2020 on the file of the respondent police.

For Petitioners : Mr.T.Arul

For Respondent : Mr.M.Mohammed Riyaz,  
Additional Public Prosecutor

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 29.04.2020 for the offences punishable under Sections 188, 271, 291 of IPC r/w 4(1)(a), 4(1-A) of TNP Act in Crime No.766 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners are alleged to have found in possession of 5 litres of toddy illegally.

3. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. On instruction, he would submit that the petitioners in order to show their bonafide, is ready and willing to deposit a sum of Rs.5,000/- each, to the Chief Minister Public Relief Fund. He further submitted that the petitioners are in judicial custody from 29.04.2020 and hence, he seek for bail to the petitioners.

4. The learned Additional Public Prosecutor (CrI. Side) would submit that the petitioners were found in illegal possession of 5 litres of toddy. Hence, he opposed for the 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 29.04.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] each of the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the Chief Minister Public Relief Fund, Tamil Nadu, 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] 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 automatically.

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

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

[f] the petitioners 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 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].

[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/-

11/05/2020

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 PRINCIPAL AND SESSIONS  
JUDGE, COIMBATORE.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,  
SUB JAIL, AVINASHI

4 THE INSPECTOR OF POLICE  
NEGAMAM POLICE STATION, COIMBATORE.

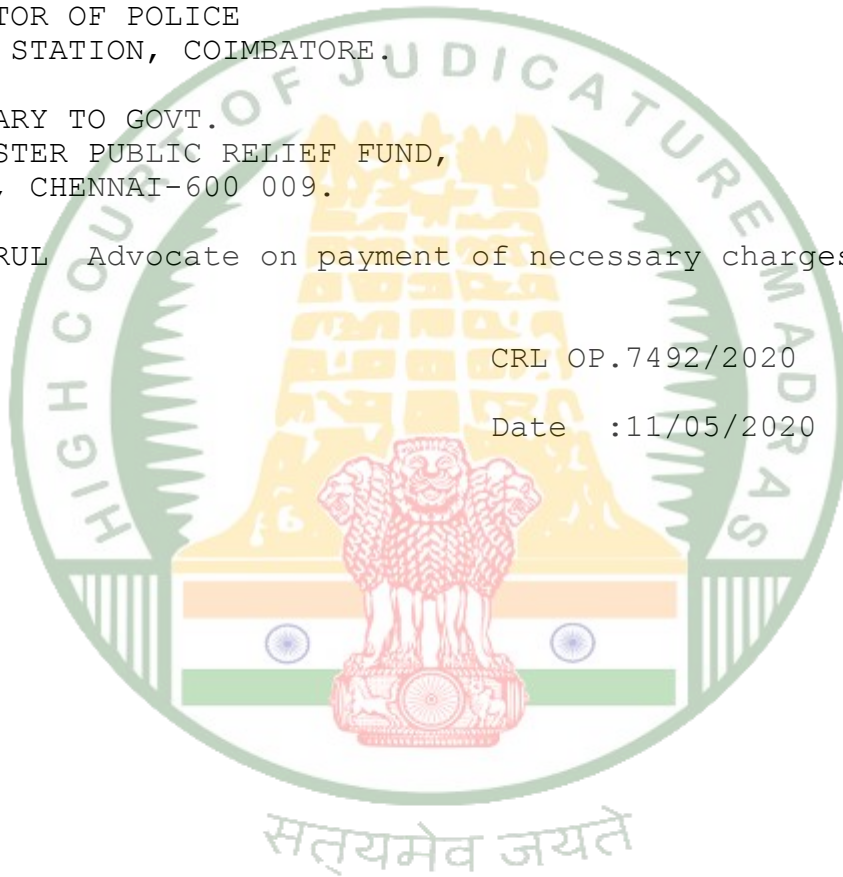
5 THE SECRETARY TO GOVT.  
THE CHIEF MINISTER PUBLIC RELIEF FUND,  
FORT ST.GEORGE, CHENNAI-600 009.

CC to T.ARUL Advocate on payment of necessary charges

CRL OP.7492/2020

Date :11/05/2020

RVR 07/08/2020



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