

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.7503 of 2020

S.Sreejith

... Petitioner

Vs.

State of Tamil Nadu represented by
The Inspector of Police,
Prohibition Enforcement Wing,
Perur Police Station,
Coimbatore District.
Crime No.1123 of 2019.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.1123 of 2019 on the file of the respondent police.

For Petitioner : M/s. Ahmed Associates
& Mr.P.Rajeshkumar

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 04.01.2006 for the offence punishable under Sections 4(1)(aaa) & 4(1-A) of Tamil Nadu Prohibition Act and Rules 4,5 & 6 of the Tamil Nadu Rectified Spirits Rules, 2000. in Crime No.1123 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.12.2019, the respondent police have received a secret information about illegal spirit having been stored in the residence of one Tamil Murasu. Thereafter, the respondent police along with team had gone to the spot and conducted inspection and found that 284 plastic cans containing spirit of which 2 plastic cans were separately marked with blue color as 'Atropin'. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner's name does not find in the FIR and the petitioner has been arrayed as accused in this case. Based on the confession of one Prabhu, the petitioner was implicated in this case. He would further submit that the petitioner was formally arrested on 07.02.2020, the petitioner was already involved yet another case in Crime No.138 of 2019 has been registered by the Alathur Excise Range Office, Palakkad, Kerala. He would further

submit that the petitioner had granted bail by the Hon'ble High Court of Kerala. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case and seeks bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in possession of 284 plastic cans containing spirit of which 2 plastic cans were separately marked with blue color as 'Atropin'. He would further submit that some of the accused in this case from Kerala and some of the accused were formally arrested in Crime No.138 of 2019 by the Alathur Excise Range Office, Palakkad, Kerala, for the offences punishable under Sections 55(a) and 55D of the Kerala Abkari Act. He would further submit that some of the accused have been detained under Act 14 and the petitioner is granted bail and it would be great difficulty to secure the petitioner and hence, he vehemently opposed for grant of bail to the petitioner.

5. At this stage, the learned counsel for the petitioner would submit that the petitioner after release shall stay at Coimbatore at No.1-3B/NA, Subbammal Nagar, Rajeev Gandhi Road, Ganapathy, Coimbatore-641 006. Further, on 18.06.2020, he had produced a memo stated that the petitioner executed sureties in Kerala case and the petitioner to appear before the respondent police viz., Alathur Excise Range Office, every Monday and Friday at 10.30 a.m.

6. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) Accordingly, 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 in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, one must be a local surety, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) The petitioner to stay at Coimbatore at No.1-3B/NA, Subbammal Nagar, Rajeev Gandhi Road, Ganapathy, Coimbatore-641 006, except on the days where he is required to appear before Excise Range Office, Alathur, Palakkad, Kerala.

(d) 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;

(f) the petitioner shall report before the respondent police on every Wednesday and Saturday at 10.30 a.m., until further orders.

(g) the petitioner shall not commit any offences of similar nature;

(h) the petitioner shall not abscond either during investigation or trial;

(i) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(j) on breach of any of the aforesaid conditions, the learned Judicial 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];

(k) 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/-

19/06/2020

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 DISTRICT & SESSIONS COURT,
COIMBATORE.

2 THE JUDICIAL MAGISTRATE -II,
POLLACHI.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
PERUR OLICE STATION,
COIMBATORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
SUB JAIL, ALATHUR,
PALAKKAD, KERALA.

7 THE OFFICER INCHARGE,
EXCISE RANGE OFFICE,
ALATHUR, PALAKKAD, KERALA.

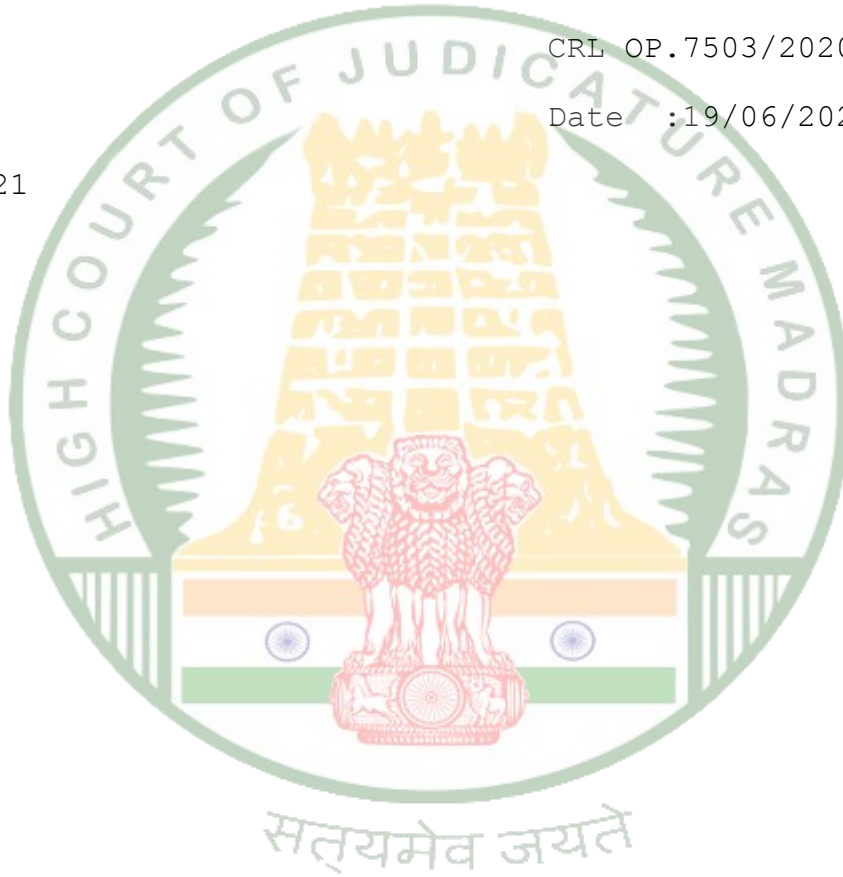
8 TO THE PETITIONERS RELATION
NO.1-3B/NA, SUBBAMMAL NAGAR,
RAJEEV GANDHI ROAD, GANAPATHY,
COIMBATORE-641 006,

CC to M/S.AHMAD ASSOCIATES Advocate on payment of necessary
charges

CRL OP.7503/2020

Date :19/06/2020

TA-05/01/2021



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