

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2020

CORAM

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

Crl.O.P.No.7672 of 2020

1.D.Jagadheeswaran,
S/o.Duraisamy,
No.2/204, Mulakurumbapalayam,
Sevur, Muriandampalayam,
Tiruppur District.

2. Maheshkumar,
S/o.Shanmugam,
No.2/208, Mulakurumbapalayam,
Small Garden, Muriandampalayam,
Tiruppur District.

...Petitioners

Vs.

State represented by
The Inspector of Police,
Cheyur Police Station,
Tiruppur District.

...Respondent

Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge
the petitioners on bail in Crime No.596 of 2020 pending investigation on

the file of the respondent/police.

For Petitioners : Mr.R.Sasikumar
For Respondent : Mr.Karthikeyan
Additional Public
Prosecutor

ORDER

The petitioners were arrested and remanded to judicial custody on 06.05.2020 for the offences punishable under Sections 4(1)(a), 4(1)(b), 4(1)(g) and 4(1-A) of the Tamil Nadu Prohibition Act, 1937, in Crime No.596 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on the secret information, the respondent police went to the mango grove at Mulukkurumpalayam and arrested the petitioners, who were trying to escape from there. The petitioners confessed that they were trying to prepare illicit arrack with a view to earn more money illegally during the period of curfew. Hence, this complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any of the offence as alleged by the

respondent and those allegations are all false. He would further submit that the petitioners are agricultural coolies and there is no connection between the petitioners and the occurrence. Further he would submit that the petitioners were in judicial custody from 06.05.2020 and seeks bail for the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners were said to have mixed the broken old batteries, which are poisonous substances, in arrack, in order to get high intoxication. He would further submit that the petitioners have sold the said mixture illegally without the permission of the Government during the lock down period and moreover, the petitioners had confessed about the preparation of the illicit arrack. 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 06.05.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions :

(a)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 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 petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate, on or before 01.07.2020, 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 not commit any offences of similar nature;

(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 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 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.

19.05.2020

nsd

Index: Yes/No

Speaking order/Non-speaking order

To

1. The Principal District Judge,
Tiruppur.

2. The Judicial Magistrate,
Avinasi.

3. The Inspector of Police,
Cheyur Police Station,
Tiruppur District.

4. The Public Prosecutor,

High Court, Madras.

5. The Superintendent of Prison,
Sub-Jail, Tiruppur.

M.NIRMAL KUMAR.J.

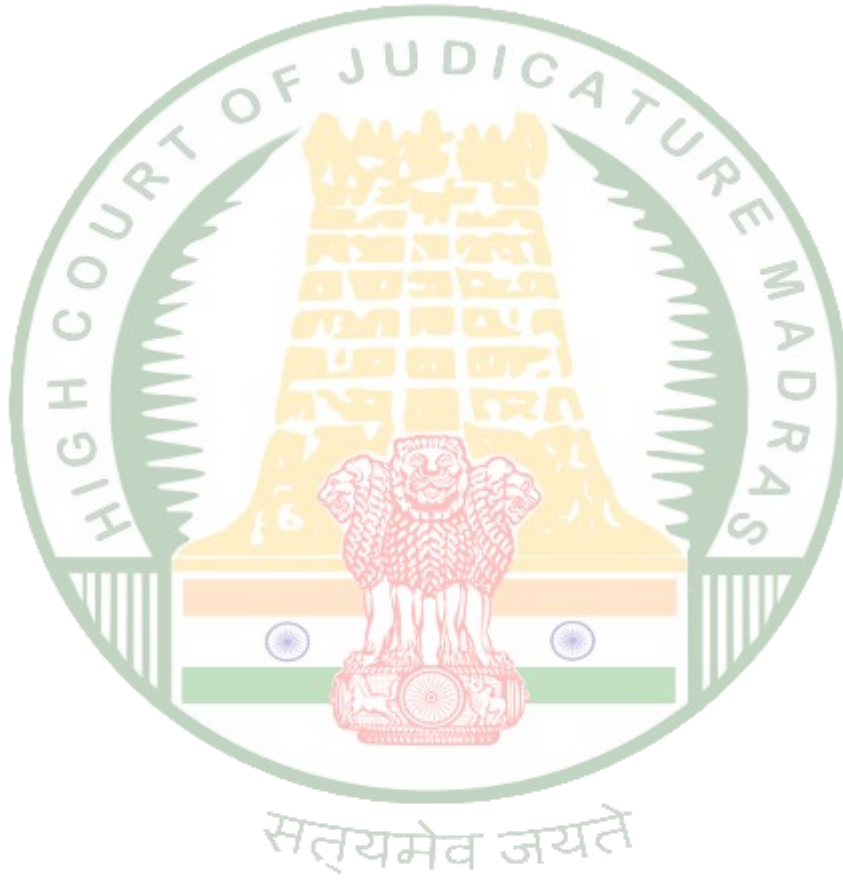
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