

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7547 of 2020

1. Karuppusamy  
2. Velusamy

... Petitioners

Vs.

The State Rep. by  
The Inspector of Police,  
Prohibition Execution Wing Police Station,  
Avinashi, Tiruppur District.  
Cr. No.254 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.254 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

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 15.04.2020 for the offence punishable under Sections 4(1)(a), 4(1)(g) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.254 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in possession of 30 litres of ID arrack. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not involved in the above alleged offence and they are no way connected with the offence as alleged by the prosecution and they did not commit any offence. Further he submits that the petitioners are in judicial custody from 15.04.2020 and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioners were found in possession of 30 litres of ID arrack and there are no previous case against them. Hence, he 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 15.04.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions :

[a] the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners 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 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 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/-

13/05/2020

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 DISTRICT  
SESSIONS JUDGE, TIRUPPUR

2 THE JUDICIAL MAGISTRATE,  
PALLADAM

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
PROHIBITION EXECUTION WING POLICE STATION,  
AVINASHI, TIRUPPUR DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, COIMBATORE.

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

CC to R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.7547/2020

Date :13/05/2020

RVR 04/08/2020

सत्यमेव जयते

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