

IN THE HIGH COURT OF JUDICATURE AT MADRAS
15.05.2020
CORAM
THE HONOURABLE MR. JUSTICE G.K. ILANTHIRAIYAN
Crl.OP.No.7553 of 2020

Naveen Kumar ...Petitioner
Vs

State rep. by
The Inspector of Police
Prohibition & Enforcement Wing
Coimbatore City Police Station
Coimbatore District.
(Crime No.518 of 2020) ...Respondent

Prayer:Criminal Original Petition filed under Section 439 Cr.P.C.,
to enlarge the petitioner on bail pending investigation in Crime
No.518 of 2020 on the file of the respondent police.

For petitioner : Mr.C.Mohan Raj
For respondent : Mr.M. Mohammed Riyaz
Additional Public Prosecutor (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 21.04.2020 for the offence punishable under Sections 4
(1) (a) r/w 4 (1-A) of Tamil Nadu Prohibition Act in Crime No.518
of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is
alleged to have found in possession of 86 bottles, each 180 ml of
liquor illegally. Hence the complaint.

3. The learned counsel appearing for the petitioner
would submit that the petitioner is not involved in the above
alleged offence and he is no way connected with the offence as
alleged by the prosecution and he did not commit any offence.
Further he submits that the petitioner is in judicial custody from
21.04.2020 and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner is in possession of 86 bottles, each 180 ml of liquor illegally and hence, he vehemently opposed for 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 21.04.2020, 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, 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) 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 petitioner 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 petitioner shall not abscond either during investigation or trial.

(f) the petitioner 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 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].

(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/-
15/05/2020

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 AND
SESSIONS JUDGE, COIMBATORE DISTRICT.

2 THE JUDICIAL MAGISTRATE,
NO.II, COIMBATORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
SUB-JAIL, AVINASI,
COIMBATORE DISTRICT.

5 THE INSPECTOR OF POLICE
PROHIBITION AND ENFORCEMENT WING,
COIMBATORE CITY POLICE STATION,
COIMBATORE DISTRICT

CC to M/S. C.MOHAN RAJ Advocate on payment of necessary charges

CRL OP.7553/2020

Date :15/05/2020

MK:30/06/2020