

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.05.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.7555 of 2020

1.Ramasamy, S/o.Arusamy,
No.2/142, Valliyampalayam,
Thottampatti, Paladam,
Dodampatti, Tiruppur District.

2.Papan
S/o.Suban
No.2/231, Valliyampalayam,
Thottampatti, Paladam,
Dodampatti, Tiruppur District.

... Petitioners

Vs.

The Inspector of Police,
Kamanaickanpalaym Police Station,
Tiruppur District.
Crime No: 299 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge

the petitioners on bail in Crime No.299 of on the file of the respondent police.

For Petitioners : Mr.A.Saranraj

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

ORDER

The (*)**petitioners**, who were arrested and remanded to judicial custody on 17.04.2020 for the offences punishable under Sections 4(1)(a) and 4(1)(g) & 4(1-A) of the Tamil Nadu Prohibition Act in Crime No.299 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 50 litres of arrack illegally. 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 is no way connected with the offence as alleged by the prosecution. However, on instructions, he would submit that in order to show their *bona fide*, the petitioners are ready and willing to deposit a sum of Rs.5,000/- each, to the Chief Minister Public Relief Fund. Further he submits that the

(*)**petitioners** are in judicial custody from 17.04.2020 onwards and hence, he seeks bail for the (*)**petitioners**.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the (*)**petitioners** are in possession of 50 litres of arrack illegally. He further submitted that no previous case is pending and also submitted that the investigation is still pending. 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 17.04.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) the (*)**petitioners** shall deposit a sum of Rs.5,000/-(Rupees Five 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, (*) **each of the petitioners** shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed.

(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 three 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 abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

14.05.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

dna

To

1. The Principal District Judge,
Tiruppur District.

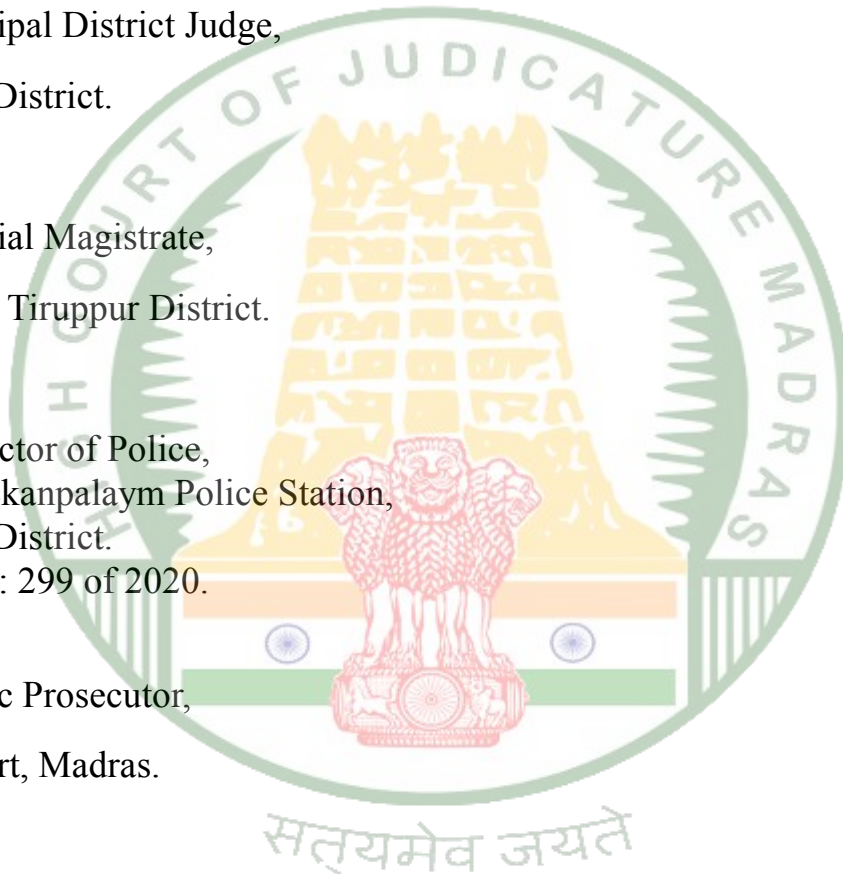
2. The Judicial Magistrate,
Palladam, Tiruppur District.

3. The Inspector of Police,
Kamanaickanpalaym Police Station,
Tiruppur District.
Crime No: 299 of 2020.

4. The Public Prosecutor,
High Court, Madras.

5. The Superintendent,
Central Prison,
Coimbatore.

(* amended as per order of
this Court dated 15.05.2020)



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G.K.ILANTHIRAIYAN, J.

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