

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Cr1.O.P.No.7703 of 2020

1. N. Saravanan
2. N.Jothiselvaraj
3. S.Manikandan
4. A.Arun

... Petitioners

vs.

The State Represented by The Inspector of Police,
Mangalam Police station
Tiruppur District
(Crime.No.602/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioners on bail in the Crime No.602 / 2020 on the file of the Respondent police

For Petitioners : M/s.V.Vijaya Kumar

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

O R D E R

The petitioners were arrested and remanded to judicial custody on 01.05.2020 for the offences punishable under Sections 4 (1) (a) and 4(1-A) of the Tamil Nadu Prohibition Act, 1937 in Crime No.602 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 arrack without the permission of the government and they were transporting the same from Athur, Salem. The 1st petitioner is government staff working as clerk in office of Valparai Municipal Corporation. The 2nd petitioner is a contractor in the said Municipality. The 3rd and 4th petitioners are the temporary staff in the Municipality. The vehicle in which, the petitioners were travelling is intercepted. During the vehicle check, from the rear boot of the car, arrack packets were seized and the petitioners were unable to give any explanation and the seized articles were sent for chemical examination. Hence, the case has been registered.

3. The contention of the petitioners is that the 1st petitioner is a government staff working as Clerk at Valparai Municipality. The 2nd petitioner is a contractor and 3rd and 4th petitioners are the temporary staff of the said Municipality. On 01.05.2020, at about 6.00 a.m, the petitioners were travelling in

white colour Maruti Swift Dzire vehicle bearing registration No. TN 41 AH 4227, the petitioners were travelling from Attur, Salem, after purchasing 80 Kgs of Neelavembu powder to distribute in their Municipality office at Valparai. The vehicle was stopped and checked from the car rear boot by the respondent police and some arrack packets were found, which was shock and surprise to the petitioners. The petitioners explained to the police that they never carried such kind of things in the car and the police has also found 80 Kgs of Neelavembu powder in a white bag along with 33 arrack packets. The petitioners stated that they have only purchased Neelavembu powder and they were not aware of these arrack packets. The petitioners are falsely implicated in this case. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners were travelling from Attur, Salem, carrying Neelavembu powder. In the guise of carrying Neelavembu powder, they had also transported illicit arrack packets. During the routine vehicle check, the car boot was searched and 33 arrack packets were found and seized. The petitioners were unable to give proper explanation. Hence, the case came to be registered.

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 01.05.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions :

(a) each of the petitioners 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 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, in which the petitioners have been confined on their release;

(b) 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 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 petitioner shall report before the respondent police as and when required for interrogation.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

20/05/2020

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

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S. V.VIJAYAKUMAR Advocate on payment of necessary charges

WEB COPY
CRL OP.7703/2020
Date :20/05/2020

RVR 24/08/2020