

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Cr1.O.P.No.7712 of 2020

Krishnasamy @ Oil Krishnan

... Petitioner

Vs.

State rep. by
Inspector of Police,
Prohibition Enforcement Wing, Perur,
Coimbatore Dist.
(Crime No.316/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.316 of 2020 on the file of the respondent police.

For Petitioner : M/s.P.Saravana Sowmiyan

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

O R D E R

The petitioner was arrested and remanded to judicial custody on 20.04.2020 for the offence punishable under Sections 4(1) (aa), 4(1-A) of Tamil Nadu Prohibition Act r/w under Sections 328 and 420 IPC in Crime No.316 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.04.2020, on receipt of information that two persons were selling illicit liquors at Devanapalyam to Vaguthapalayam road. The two persons namely A1 and A2, were found in possession of four 300 ml plastic bottles containing liquid with grape juice colour with alcohol smell and were caught and enquired about the same they informed that they have purchased the illicit liquor from the petitioner for selling it at higher price. Thereafter, based on the confession of the A1 and A2, the petitioner was arrested from his residence and 20 litres methanol was seized along with other items.

3. The learned counsel for the petitioner submits that the petitioner does not know A1 and A2 and he has been falsely implicated in this case. The petitioner was never in possession of the 9 items mentioned in the FIR and roped in due to unknown reasons with ulterior motive and malafide reason. He further submits that the

procedures contemplated under the Tamil Nadu Prohibition Act have not been followed.

4. The learned Additional Public Prosecutor submitted that the petitioner has illegally sold the illicit liquor. He admits that there is no previous case against the petitioner. He opposed for grant of bail to the petitioner.

5. Considering the rival submissions made by either side and also taking note of the fact that the petitioner is in judicial custody from 20.04.2020, and there is no previous case against the petitioner, 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, 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 petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

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

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

(g) the petitioner 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 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];

(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 INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
PERUR, COIMBATORE DISTRICT.

CC to M/S. P.SARAVANA SOWMIYAN Advocate on payment of necessary charges

CRL OP.7712/2020

Date :20/05/2020

RVR 24/08/2020

सत्यमेव जयते

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