

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

CrI.O.P.No.7714 of 2020

K.Ayyappan

... Petitioner

Vs.

State represented by
the Inspector of Police
Tiruppur North Police Station,
Tiruppur District.
(Crime No. 904 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 904 of 2020 on the file of the respondent police.

For Petitioner : M/s.J.Franklin

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

O R D E R

The petitioner was arrested and remanded to judicial custody on 18.04.2020 for the offences punishable under Sections 4(1)(i), 4(1)(aa), 4(1-a) of the Tamil Nadu Prohibition Act in Crime No.904 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police that because of lockdown, TASMAS shops were closed by the government then he decided to have a drink by other sources, so he approached the petitioner and paid rupees 200 for alcohol, after consuming he felt some difference and hence, immediately approached the respondent police and lodged the complaint and based on the complaint, the respondent police visited the place of the petitioner and recovered 50 litres of brandy from the petitioner.

3. The learned counsel for the petitioner submits that the complaint itself is highly artificial. The petitioner had never met the defacto complainant and not received any money and sold illegal liquor as stated by the defacto complainant. The petitioner has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the accused was selling Brandy without the permission of the government. He mixed the extract of Umathangai, a poisonous substance

in brandy in order to get high intoxication. The petitioner was arrested and remanded to judicial custody on 18.04.2020 and the co-accused in this case namely, Karthick, Basker, Rajini are still absconding. 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 both parties and also taking note of the fact that the petitioner is in judicial custody from 18.04.2020, 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, 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), 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;

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(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

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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,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S. J.FRANKLIN Advocate on payment of necessary charges

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CRL OP.7714/2020

Date :20/05/2020

RVR 24/08/2020