

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.7628 of 2020

Mahendiran

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
PEW Thiruthuraipoondi Police Station,
Thiruvarur District.
Cr. No.355 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.355 of 2020 on the file of the respondent police.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

The petitioner was arrested and remanded to judicial custody on 19.04.2020 for the offence punishable under Sections 4(1)(aaa) and 4(1)(g) of TNP Act in Crime No.355 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.04.2020 at about 5.00 p.m., the defacto complainant/Inspector of Police was on patrol duty. On secret information, he found the petitioner herein illegally in possession of 110 litres of illicit arrack, on seeing police, he escaped from the scene of occurrence. Later, the respondent police arrested the accused. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above offence and he is no way connected with the offence as alleged by the prosecution. The learned counsel would further submit that the petitioner has been falsely implicated in this case. Further he submits that the petitioner is in judicial custody from 19.04.2020 and hence, he seeks bail for the petitioner. The petitioner has not bad antecedents.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner is in possession of 110 litres of arrack illegally brewed. He admits there is no previous case against the petitioner. He 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 19.04.2020, having not come on adverse notice earlier, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall execute 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 01.07.2020, 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 petitioner shall report before the respondent police 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/-

18/05/2020

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 JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
PEW THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, MANNARGUDI

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

CRL OP.7628/2020

Date :18/05/2020

RVR 24/08/2020



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