

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Cr1.O.P.No.7636 of 2020

1.Deepan
2.Elumalai

... Petitioners

Vs.

The State rep. by
Inspector of Police,
Vellavedu Police Station,
Thiruvallur.
(Crime No. 926 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.926 of 2020 on the file of the respondent police.

For Petitioners : M/s.R.Thirumoorthy

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

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 01.05.2020 for the offence punishable under Sections 4(1)(g) 4 (1) (a) r/w 4 (1-A) of TNP Act in Crime No.926 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners and their associate were alleged to have been possessed material of Orrol to prepare ID arrack of 100 litres illegally.

3. The learned counsel appearing for the petitioners would submit that the petitioners are not involved in the above alleged offence and they are villagers who went to attend natural call and they are no way connected with the offence as alleged by the prosecution, they were arrested by the respondent police on suspicion. They did not commit any offence. Further he submits that the petitioner are in judicial custody for the past two weeks and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor (Cr1. Side) would submit that the petitioners were in possession of 100 litres of arrack illegally and further submitted that they do not have any previous case. He opposed for grant of bail to the petitioner.

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 for the past two weeks and that they have no previous case, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] the petitioner shall execute her own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

[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.

(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 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 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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, TIRUVALLUR (I/C)

2 THE JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
VELLAVEDU POLICE STATION,
TIRUVALLUR.

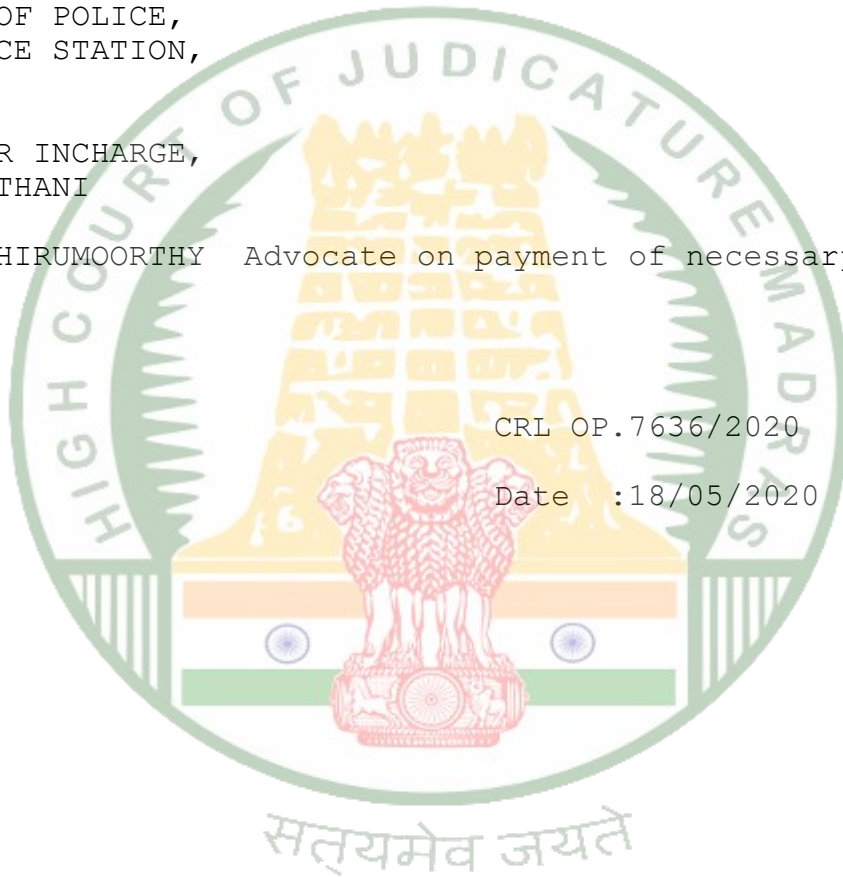
5 THE OFFICER INCHARGE,
SUB JAIL, TIRUTHANI

CC to R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.7636/2020

Date :18/05/2020

RVR 24/08/2020



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