

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.05.2020
CORAM:

THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7825 of 2020

Senthil

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Panamarathupatti Police Station,
Salem District.
(Crime No.151 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in Crime No.151 of 2020 on the file of the Inspector of Police, Panamarathupatti Police Station, Salem District.

For Petitioner : Mr.B.Vasudevan

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 24.04.2020 for the offences punishable under Sections 4 (1) (b), 4(1) (g), 4(1-A) of TNP Act in Crime No.151 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.04.2020, the petitioner was illegally found in possession of 150 litres of Ural (fermented wash) and 10 liters of ID arrack in a plastic cane, mixed with poisonous substance.

3. The learned counsel appearing on behalf of the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case and there is no bad antecedent against him. Further, he would submit that the petitioner is in judicial custody from 24.04.2020 and hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was in possession of 10 liters ID arrack and 150 liters of fermented wash. He admits that there is no previous case against the petitioner. However, he opposed to 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 24.04.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai-600 020 (Bank: Andhra Bank, Madhya Kailash, SB A/c.No.149710011005477) 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 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
26/05/2020

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 NO.I,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PANAMARATHUPATTI POLICE STATION,
SALEM DISTRICT.

6 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI-600 020
(BANK: ANDHRA BANK, MADHYA KAILASH,
SB A/C.NO.149710011005477)

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

CRL OP.7825/2020

Date :26/05/2020

MK:13/08/2020