

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2020

CORAM

THE HONOURABLE MR. JUSTICE **M. NIRMAL KUMAR**

CrI.O.P.No.7850 of 2020

Manoharan, (M/37),
S/o. Periyasamy. Petitioner

Vs.

The State Rep by
The Inspector of Police,
Muthupettai Police Station,
Tiruvarur.
Crime No.1150 of 2020 Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to
enlarge the petitioner on bail concerned in Crime No.1150 of 2020 pending
on the file of the respondent.

For Petitioner : Mr. M.Jaikumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on **10.05.2020** for the alleged offences punishable under Sections **4(1) (aaa)**,
r/w 4(1-A) of Tamil Nadu Prohibition Act in **Crime No.1150 of 2020** on

the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found selling brandy during the lockdown period and he was also in possession of 20 boxes of brandy bottles in open condition. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The above case was foisted against the petitioner for the purpose of statistics. He also submitted that the petitioner has been suffering incarceration from 10.05.2020 and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner was found selling brandy during the lockdown period and he was also in possession of 20 boxes of brandy bottles. He further submitted that there are eight previous cases against the petitioner. Hence, he opposed for the grant of bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the period of incarceration by 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 Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020, Andhra Bank, Madhya Kailash Branch (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) 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 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.

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

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To

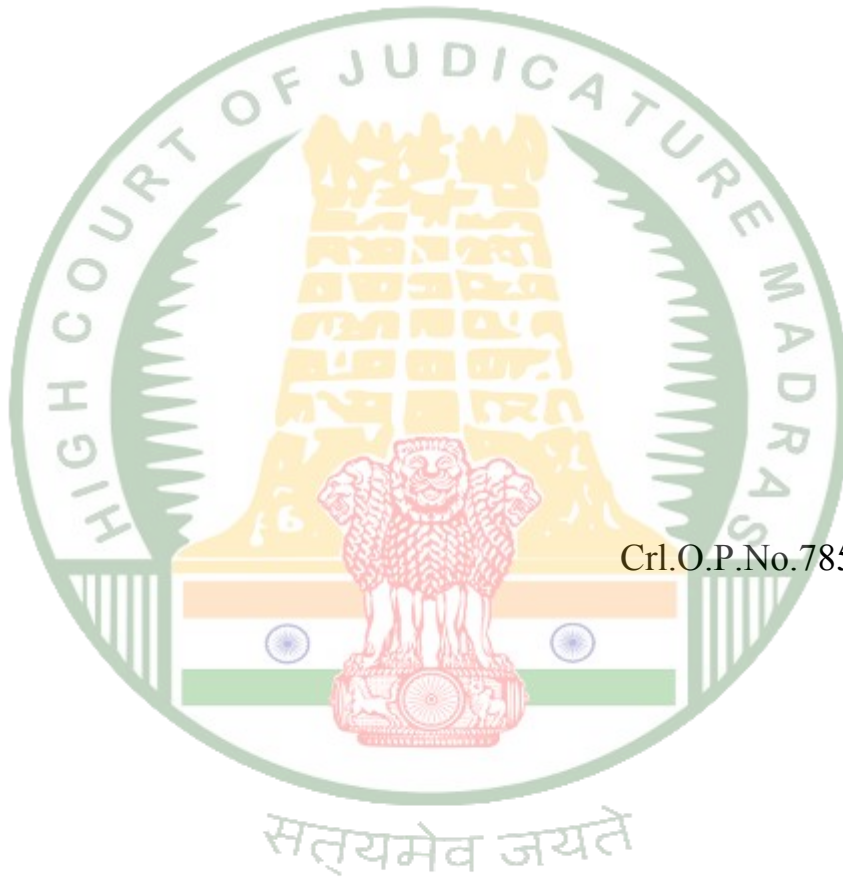
1. The Judicial Magistrate,
Thiruthuraipoondi.
2. The Inspector of Police,
Muthupettai Police Station,
Tiruvarur.
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent,
Sub Jail, Nagapattinam.



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M.NIRMAL KUMAR, J.

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