

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2020

CORAM

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

Crl.O.P.No.7867 of 2020

1.Ramasamy (A1)

2.Manoharan(A2)

3.Prakash (A3)

... Petitioners

Vs.

State Rep. by

The Inspector of Police,

Palladam Police Station,

Tiruppur District.

Cr. No.971 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.971 of 2020 on the file of the respondent police.

For Petitioners : Mr.J.Franklin

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.04.2020 for the offence punishable under Sections 4(1)(a), 4(1)(b),

4(1)(g), 4(1-A) of TNP Act in Crime No.971 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners are alleged to have found in possession of 1 litre of illicit arrack and 10 litres of fermented wash.

3.The learned counsel appearing for the petitioners would submit that the petitioners are not involved in the above offence and they are no way connected with the offence as alleged by the prosecution. The learned counsel would further submit that the petitioners have been falsely implicated in this case. Further he submits that the petitioners are in judicial custody from 29.04.2020 and hence, he seeks bail for the petitioners. The petitioners have not bad antecedents.

4.The learned Additional Public Prosecutor would submit that the petitioners are in possession of 1 litre of illicit arrack and 10 litres of fermented wash. He admits there is no previous case against the petitioners. He opposed for grant of bail to the petitioners.

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 from 29.04.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions :

[a] the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five 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 petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison;

(b) each of 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

27.05.2020

Internet : Yes/No

Ssb

To

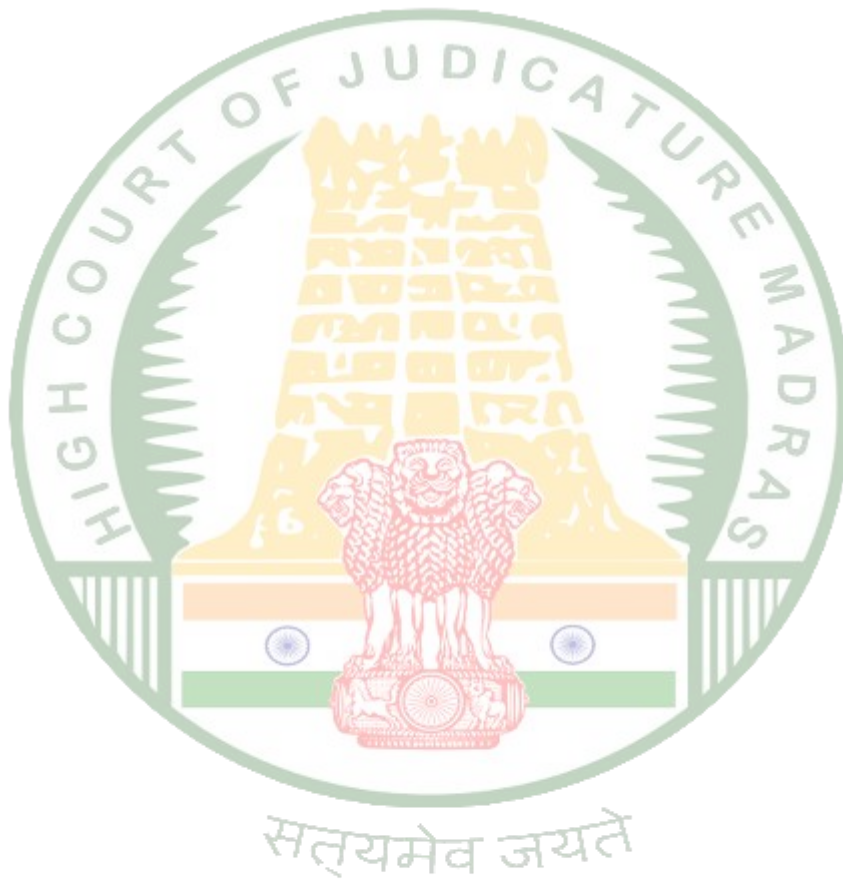
1. The Principal Sessions Judge, Tiruppur.

2. The Judicial Magistrate,
Palladam.

3. The Inspector of Police,
Palladam Police Station,
Tiruppur District.

4.The Public Prosecutor,
High Court, Madras.

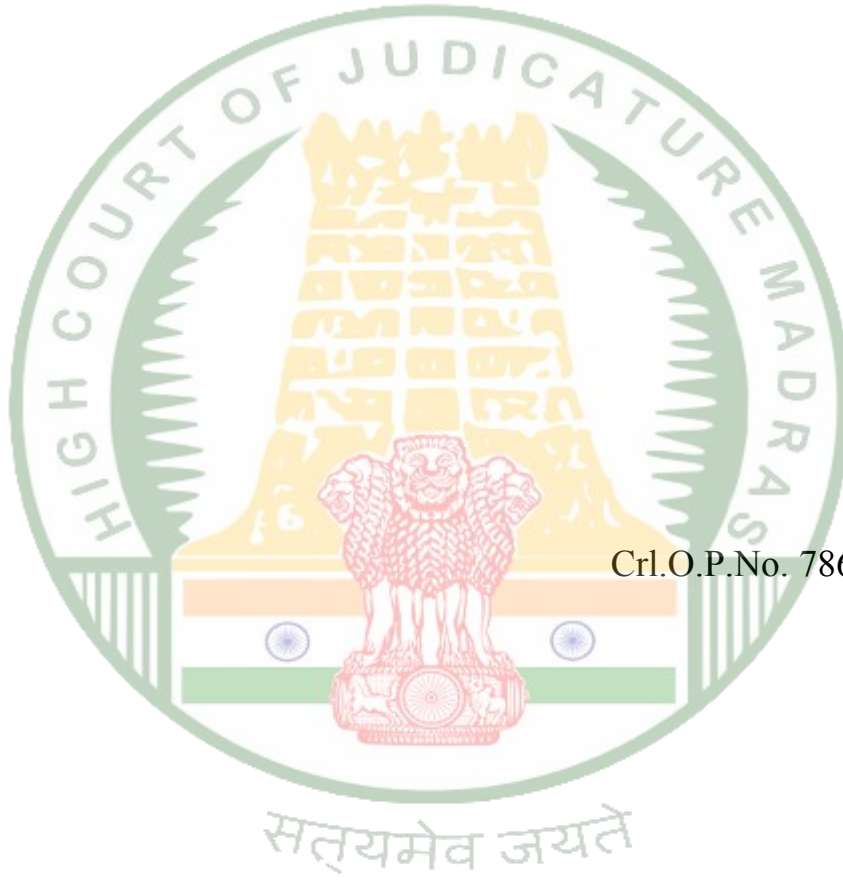
5.The Superintendent,
District Jail, Tiruppur.



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M.NIRMAL KUMAR, J.

ssb



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