

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.7873 of 2020

1.Kanagaraj
2.Loganathan
3.Paramasivam

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Kottur Police Station,
Coimbatore District.
Cr. No.240 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.240 of 2020 on the file of the respondent police.

For Petitioners : M/s.W.Camyles Gandhi

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 13.05.2020 for the offence punishable under Sections 4(1)(b), 4(1)(g) and

4(1-A) of TNP Act in Crime No.240 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners were selling illegal liquor. On secret information about the sales of illegal liquor, the respondent police went to the place of occurrence and found that three persons were preparing illicit arrack by keeping 3 aluminum vessels. On seeing the police party the petitioners tried to escape from that place. But the police party rounded up the petitioners and on enquiry, it came to know that the accused persons prepared the illicit arrack by using some chemicals. Thereafter the respondent police arrested the accused and after arrest, the accused persons gave confession and admitted the offence and surrendered one 30 litres aluminum vessel which contains 2.25 litres of liquor which was prepared by the accused persons and another one 40 litre plastic cane which contains 20 litres of chemical soak liquid. Hence, this complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are not involved in the above alleged offence and they are no way connected with the offence as alleged by the prosecution and they did not commit any offence. Further he submits that the petitioners

are in judicial custody from 13.05.2020 and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that they have no previous case and that he has no objection 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 is in judicial custody from 13.05.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) the petitioners shall deposit a sum of Rs.2,500/- each (Rupees Two Thousand Five Hundred 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/- each (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioners have been confined on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- each (Rupees ten thousand only), 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 petitioners shall report before the respondent police as and when required for interrogation.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners 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 petitioners 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.

27.05.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

dpq

To

1. The Principal District & Sessions Judge
Coimbatore.

2. The learned Judicial Magistrate - II, Pollachi,

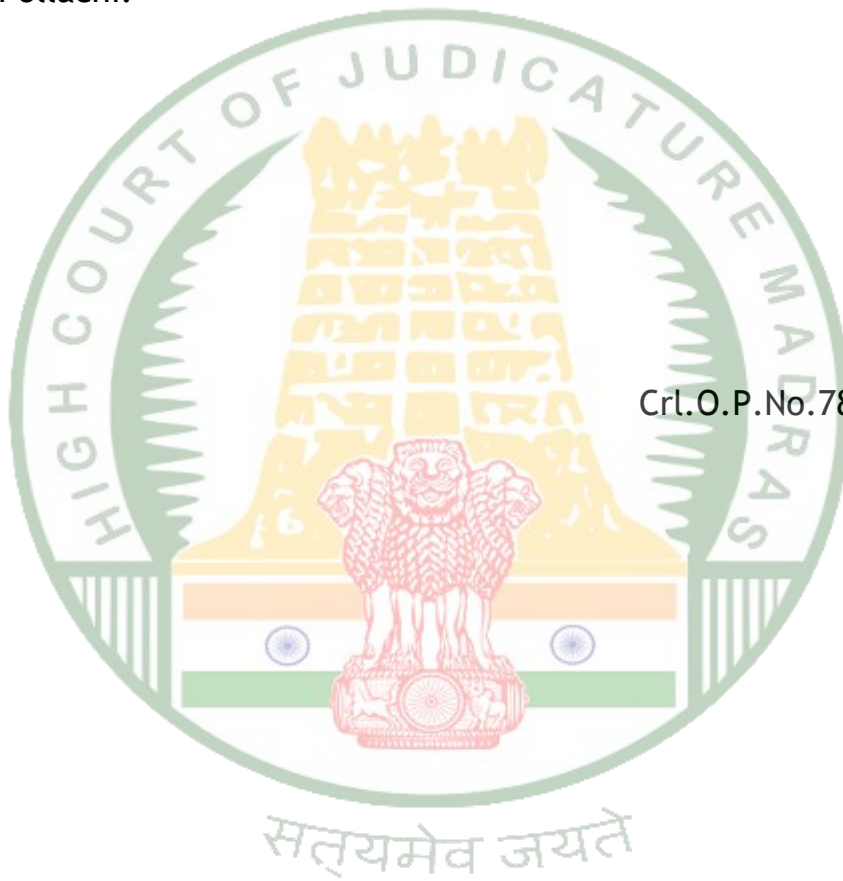
3. The Inspector of Police,
Kottur Police Station,
Coimbatore District.

4. The Public Prosecutor,
High Court, Madras.

M.NIRMAL KUMAR, J

dpq

5. The Superintendent,
Sub Jail, Pollachi.



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