

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.05.2020

CORAM

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

Crl.O.P.No.7946 of 2020
in Crime No.252 of 2020

Ayyasamy @ Mosuli,
S/o.Chinnakathalai @ Kittan,
Chinnamoundipalayam,
Pongalur Post,
Cheyur, Tiruppur,
Tiruppur District.

... Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
PEW, Tiruppur,
Tiruppur District.

... Respondent

Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.252 of 2020 pending investigation on the file of the respondent police.

For Petitioner	:	Mr.C.Prakasam
For Respondent	:	Mr.Karthikeyan
		Additional Public
		Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 14.04.2020 for the offences punishable under Sections 4(1)(a), 4(1)(g) and 4(1-A) of the Tamil Nadu Prohibition Act, 1937, in Crime No.252 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 14 litres of illicit arrack and 30 litres of fermented wash containing ingredients of poisonous substance. Hence the complaint.

3.The learned counsel appearing for 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 14.04.2020 and hence, he seeks bail for the petitioner.

4.The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner was in possession of 14 litres of arrack illegally brewed and 30

litres of fermented wash containing ingredients of poisonous substance. Further, he would submit that the petitioner was a history sheeter in H.S.No.17 of 2017. Hence, he opposed for 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 14.04.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall deposit a sum of Rs.10,000/- (Rupees ten 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 their release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (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 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]*; and

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.05.2020

nsd

Index: Yes/No

Speaking order/Non-speaking order

To

1.The Principal Sessions Judge,
Tiruppur.

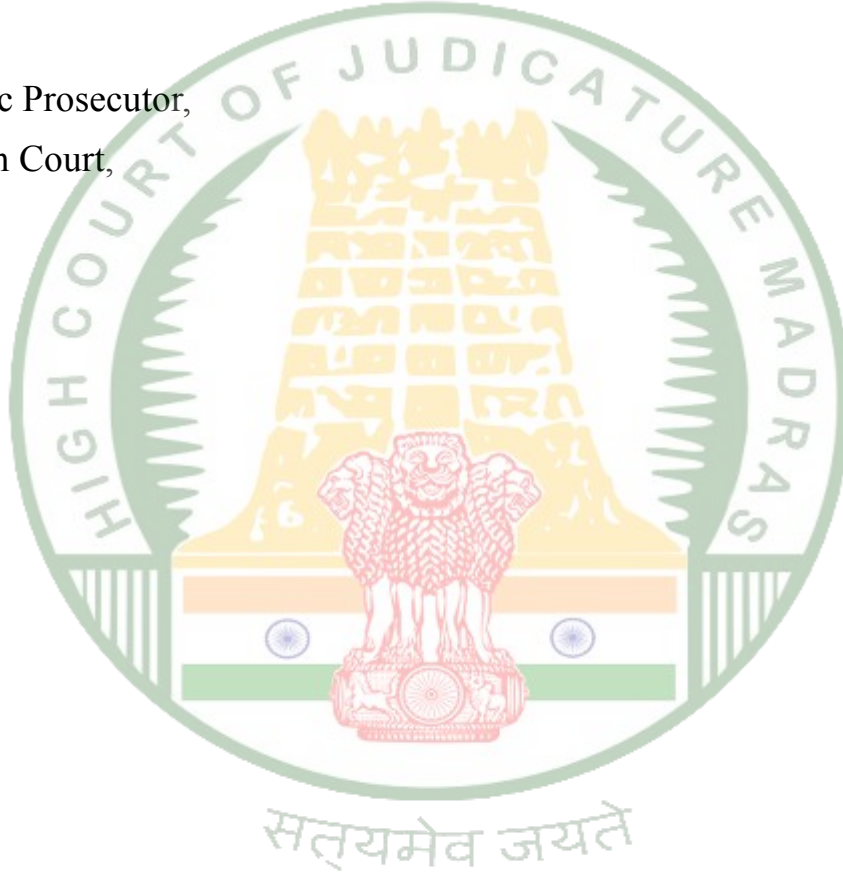
2.The Judicial Magistrate,
Avinasi,
Tiruppur District.

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3. The Superintendent of Prison,
Central Prison, Tiruppur.

4. The Inspector of Police,
PEW, Tiruppur,
Tiruppur District.

5. The Public Prosecutor,
Madras High Court,
Chennai.



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CRL.O.P.No. 7959 of 2020

M.NIRMAL KUMAR.J.

nsd



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