

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.05.2020

CORAM:

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

CRL.O.P.No.7962 of 2020

Noor Hasan

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.
Crime No.591 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.591 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.G.Balamanikandan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.04.2020 for the offence punishable under Sections 4(1)(g), 4(1)(aa) & 4(1-A) of the Tamil Nadu Prohibitions Act, in Crime No.591 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were in possession of 120 liters of materials used for manufacturing the illicit poisonous arrack and another quantity of 85 liters of illicit arrack in three cans with an intention to sell the same to other public at large. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that there is no previous case pending against the petitioner and he is in judicial custody from 30.04.2020. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.2,500/- to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020. Therefore, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with co-accused had manufacturing the illicit poisonous arrack by using the rectified spirit with an intention to sell the same to the public at large to enrich himself upon the blood money of the others even during the lock down period. Hence, he vehemently 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 there is no previous case pending against 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.2,500/- (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 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.

Internet : Yes / No
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28.05.2020

सत्यमेव जयते

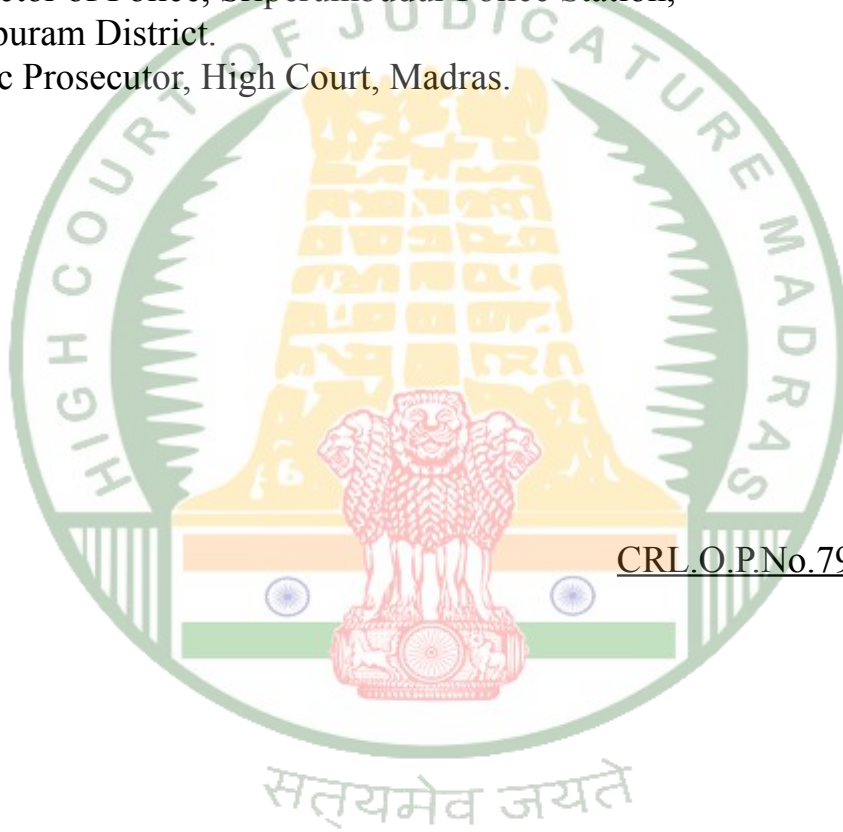
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M.NIRMAL KUMAR, J.

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To

1. The Judicial Magistrate, Sriperumbudur.
2. The Superintendent, Central Prison, Puzhal, Chennai.
3. The Inspector of Police, Sriperumbudur Police Station,
Kancheepuram District.
4. The Public Prosecutor, High Court, Madras.



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