

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8036 of 2020

Chithuraj
Son of Muthusamy,
Vinobaji Nagar,
Pullagoundampatty Agaraharam,
Sankari Taluk & District. ... Petitioner

Vs.

State rep. By
The Inspector of Police,
Thevoor Police Station,
Salem District.
(Crime No.136 of 2020)Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. to
enlarge the petitioner on bail in Crime No.136 of 2020 on the file of the
Inspector of Police, THEVOOR Police Station, Salem District.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 18.04.2020 for the offence under **Sections 4(1) (g) and 4(1-A) of TNP Act, in Crime No.136 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 100 litres of fermented wash. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 18.04.2020. The learned counsel further submitted that there is no previous case pending against the petitioner and that without prejudice to his defence, the

petitioner is prepared to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to any charitable organization. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the Inspector of Police, on secret information, he found that the petitioner was illegally found in possession of 100 litres of fermented wash. He would further submit that there is no previous case as against the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner subject to the following conditions;

(a) petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020, bearing A/c No.149710011005477, Andhra Bank, Madhya Kailash Branch, 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 one surety for a sum of Rs.10,000/- (Rupees ten thousand only), before the concerned Magistrate on or before 04.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) it is made clear, merely because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

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

(f) the petitioner shall not abscond 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;

(g)the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

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Index : Yes/No

Internet : Yes/No

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A.D.JAGADISH CHANDIRA, J.

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To

- 1.The Judicial Magistrate No.1,
Sankari.
2. The Superintendent,
Central Jail, Salem.
- 3.The Inspector of Police,
Thevoor Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.



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