

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.8200 of 2020

Sivakumar

.. Petitioner

Vs.

The State rep. by
Inspector of Police
Vellavedu Police Station,
Thiruvallur District.
(Crime No.1057 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.1057 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : K.Prabakar
Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 12.05.2020 for the offences punishable under Section 4 (1)(g), 4 (1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.1057 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused persons were found in possession of 10 litres of ID Arrack and 100 liters 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 12.05.2020. The learned counsel further submitted that there is no previous case pending as against the petitioner and that without prejudice to his defence, the petitioner is prepared to deposit a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioner and other accused persons were illegally found in possession of 10 litres of ID arrack and 100 litres of fermented wash. He would further submit that there is no previous case pending as against the petitioner. Hence, he vehemently opposed for grant of bail to 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.25,000/- (Rupees twenty five 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 and also on production of proof, 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 06.07.2020, 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;

(g) 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];

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

(i) 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.

-sd/-

05/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, THIRUVALLUR.

2 THE JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

4 THE OFFICER INCHARGE
SUB JAIL, THIRUVALLUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE
VELLAVEDU POLICE STATION, THIRUVALLUR
DISTRICT.

7 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI - 600 020,
BEARING A/C NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH,

CC to Mr.R.Thirumoorthy Advocate on payment of necessary charges

CRL OP.8200/2020

Date :05/06/2020

cs 05/06/2020

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