

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.O.P.NO. 8565 of 2020

Viswanathan @ Kiliyappan

... Petitioner

Vs.

State represented by
The Inspector of Police,
Sirumugai Police Station,
Coimbatore District.
(Crime No.304 of 2020)

.... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C.,
to enlarge the petitioner on bail in Crime No.304 of 2020 on the file
of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

The Petitioner who was arrested and remanded to judicial custody
on 24.05.2020 for the offences punishable under Sections 4(1)(a) r/w.
4(1-A) of T.N.P Act, on the file of the respondent police, seeks
bail.

2. The case of the prosecution is that the petitioner was found
in possession of 11 Copper brandy bottles. Hence the complaint was
registered.

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. Further he would submit that the
Petitioner is in judicial custody from 24.05.2020 and hence, he seeks
bail for the Petitioner.

4.The learned Additional Public Prosecutor would submit that the
Petitioner was in possession of 11 Copper brandy bottles. He would
further submit that there are 8 previous cases against the
Petitioner. 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 24.05.2020, 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 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 within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, 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.

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

-sd/-
12/06/2020

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
METTUPALAYAM

2 THE SUPERINTENDENT,
SUB-JAIL, POOLACHI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIRUMUGAI POLICE STATION,
COIMBATORE DISTRICT.

5 THE CANCER INSTITUTE [WIA]
REGIONAL CANCER CENTRE
ADYAR, CHENNAI-600 020

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges

सत्यमेव जयते

WEB COPY

CRL OP.8565/2020

Date :12/06/2020

RD 24/09/2020