

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM

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

Crl.O.P.No.8639 of 2020

Boopathiraj,
S/o.Murugan,
No.3/286, B.Samparavalliputhur Village,
Sirumugai,
Coimbatore District.

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Sirumugai Police Station,
Coimbatore District.
(Crime No.319 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail pending investigation in Crime No.319 of 2020 on the file of the Respondent Police.

WEB COPY

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The Petitioner was arrested and remanded to judicial custody on 24.05.2020 for the offence punishable under Sections 4(1)(a), r/w. 4(1-A) of the Tamil Nadu Prohibition Act, 1937, in Crime No. 319 of 2020 on the file of the Respondent Police, seek bail.

2.The case of the prosecution is that the Petitioner was found in possession of 9 brandy bottles of each contains 180 ML. 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 and there is no bad antecedent against him. 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 (Crl. Side) would submit that the Petitioner was in illegal possession of 9 brandy bottles of each contains 180 ML. He admits that there is no previous case against the Petitioner. 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.5,000/- (Rupees Five 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 Petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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.

12.06.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

rst

WEB COPY

To

1. The learned Judicial Magistrate, Mettupalayam.
2. The Inspector of Police,
Sirumugai Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent,
Sub Jail, Pollachi.



WEB COPY

M.NIRMAL KUMAR, J.

rst



Crl.O.P.No.8639 of 2020

WEB COPY

12.06.2020