

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl. O.P. No. 8647 of 2020

Ganesan

... Petitioner

-VS-

State rep. by
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioner on bail pertaining to Crime No. 411 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.R.Jayaprakash

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 05.05.2020 for the offence punishable under Sections 4(1)(g) and 4(1-A) of the Tamil Nadu Prohibition Act, in Crime No. 411 of 2020 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that on 05.05.2020, based on secret information, when the respondent police conducted raid at the house of the petitioner and found in possession of ten litters of F' wash and two litres of illicit arrack in a white can containing ingredients of poisonous substance. 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 05.05.2020 and hence, he seeks bail for the Petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was in possession of ten litters of F' wash and two litres of illicit arrack in a white can illegally brewed. 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 05.05.2020, 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 Petitioner is 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;

M. NIRMAL KUMAR, J.

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(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.

12.06.2020

dh

Index: Yes/No

Internet: Yes/No

To

1. The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

2.The Judicial Magistrate – II,
Sankari.

3. The Superintendent,
Central Prison, Salem.

4. The Public Prosecutor,
Madras High Court, Chennai – 600 104.

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