

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

CrI. O.P. No. 8694 of 2020

P.Ramesh

... Petitioner

-vs-

State rep. by
PEW Police Station
Tiruppur,
Tiruppur District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioners on bail in Crime No.309 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr. P.Thirumalai

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

The Petitioner, who was arrested and remanded to judicial custody for more than 12 days for the offence punishable under Sections 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act, 1937, in Crime No. 309 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 5 litres of illicit arrack in white plastic cans and which was hidden in the push. 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 for more than 12 days and hence, he seeks bail for the Petitioner.

4. The learned Additional Public Prosecutor (CrI. Side) would submit that the Petitioner was found in possession of 5 litres of illicit arrack which was illegally brewed and which was hidden in the push. 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 for more than 12 days, this Court is inclined to grant bail to the Petitioner, subject to the following conditions:-

(a) the Petitioner shall deposit a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred 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 have been confined on their 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.

-sd/-
15/06/2020

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 NO.I,
TIRUPPUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
PEW POLICE STATION,
TIRUPPUR, TIRUPPUR DISTRICT.

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

CC to M/S.B.THIRUMALAI Advocate on payment of necessary charges

CRL OP.8694/2020

Date :15/06/2020

MK:30/09/2020