

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :17.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.8829 of 2020

1.Sankar

2.Moorthy

3.Venkatesan

... Petitioner

Vs.

State Rep. by

The Inspector of Police,

Avadi Police Station,

Avadi,

Thiruvallur District.

Cr. No.540 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.540 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.C.Iyyappa Raj

Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 22.05.2020 for the offence punishable under Sections 4(1)(a), 4(1)(g) r/w 4(1-A) of T.N.P. Act, in Crime No.540 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 22.05.2020, when the respondent conducted regular check up, they found the petitioners were moving in a suspicious manner. Hence they enquired them and found that they petitioners were making preparation to brew illicit liquor for which, they had used 20 liters of raw materials containing poisonous substances. Hence, they were arrested.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case for statistical purpose and that they were not carrying any raw materials for preparing illicit arrack. He further submitted that the petitioners have no bad antecedent against

them. Further he would submit that the petitioners are in judicial custody from 22.05.2020 and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor would submit that during their regular check up, they found the petitioners were moving in a suspicious manner and when enquired, it was found that the petitioners were making preparation to brew illicit liquor by using 20 liters of raw materials which contains poisonous substances. He opposed for grant of bail to the petitioners.

5. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the petitioners are in judicial custody from 22.05.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions:-

a. the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each, 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 con-

cerned prison, in which the petitioners have been confined on their release;

b. the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

e. the petitioners shall not commit any offences of similar nature;

d. the petitioners shall not abscond either during investigation or trial;

f. the petitioners shall not tamper with evidence or witness either during investigation or trial;

g. on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and

the Petitioners 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

h. 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.

17.06.2020

Internet: Yes/No
kmm

To

1. The Principal District and Sessions Judge, Thiruvallur.

2. The Judicial Magistrate No.II,
Poonamallae.

3. The Inspector of Police,
Avadi Police Station,
Avadi,
Thiruvallur District.

4. The Public Prosecutor,
High Court, Madras.

5. The Superintendent,
Central Prison, Puzhal, Chennai.

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M.NIRMAL KUMAR, J.

kmm



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