

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.06.2020

CORAM

THE HON'BLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9233 of 2020

Jameel
S/o.Ramji
Keelmiyankadu, Neethipuram
Kolathur Village, Mettur Taluk
Salem District

... Petitioner

Vs.

State rep. by
The Inspector of Police
Kolathur Police Station
Salem District
Cr.No.370/2020

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C. seeking to enlarge the petitioner on bail in Crime No.370 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Deepak Kumar
For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 04.06.2020 for the offences punishable under Sections 4(1)(g), 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.370 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that while conducting a prohibition raid by the respondent police, the petitioner was found in possession of 15 litres of fermented wash and 5 litres of ID arrack.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The learned counsel further submitted that there is no previous case pending against the petitioner and that **without prejudice to his defence, the petitioner is prepared to deposit some considerable amount to any charitable organization. Hence, he seeks for grant of bail to the petitioner.**

4.The learned Additional Public Prosecutor submitted that there was no previous case against the petitioner. However, he opposed for the grant of bail.

5.Taking into consideration of the facts and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten

Thousand only) through RTGS/NEFT transfer to the credit of **Manonmani Trust (Indian Overseas Bank, Tower Branch, AC 56, V Avenue, Anna Nagar, Chennai-40 A/c No.047501000028847, IFS Code:IOBA0000475)**; and on such deposit and production of proof, 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 and thereafter on his release;

(b) **the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Judicial Magistrate No.I, Mettur, within 15 days from the date of lifting of lockdown and the commencement of the Court's normal functioning, 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 Aadhaar 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) it is made clear, merely because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) On breach of any of the aforesaid conditions, the learned 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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

(j) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

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To

1.The Judicial Magistrate Court No.I
Mettur

2.The Inspector of Police
Kolathur Police Station
Salem District

3.The Public Prosecutor,
High Court of Madras.

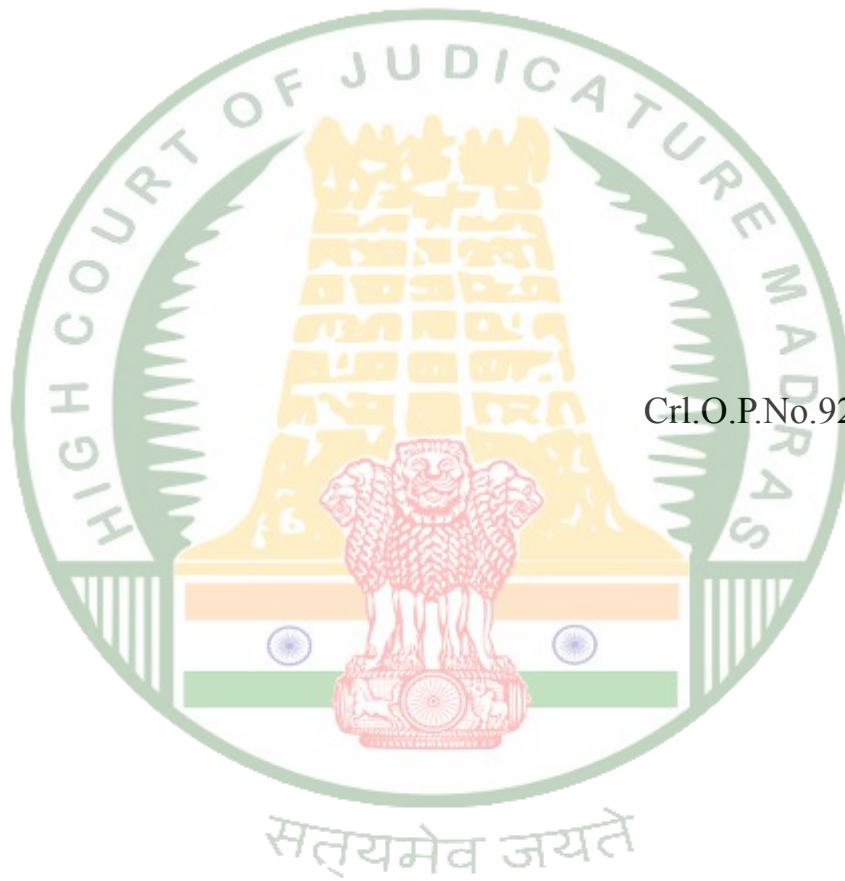
4.The Superintendent
Sub Jail, Sankari



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A.D.JAGADISH CHANDIRA, J.

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