

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2020

CORAM :

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

Crl.O.P.No.9281 of 2020

J.SAM DAVID

... Petitioner

/versus/

State rep. by
Inspector of Police,
K-2, Ayanavaram Police Station
Ayanavaram, Chennai 600 023
(Crime No.551 of 2020)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleaded to grant bail to the petitioner / Accused-1 pending investigation in Crime No.551 of 2020 on the file of Respondent Police.

For petitioner : Mr.P.Haribabu

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 10.06.2020 for the alleged offences punishable under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act r/w. Sec.188, 269, 294(b), 353 and 506(1) IPC in Crime No.551 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent police on secret information, conducted raid in the petitioner's house and they found the petitioner to be in possession of 121 liquor bottles and it was seized by the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit some considerable amount to any charitable organization, and that the petitioner has been suffering incarceration from 10.06.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner was found in possession of 121 liquor bottles and a sum of Rs.9,300/- which was seized by the respondent police. He further submitted that there is no previous cases pending against the petitioner.

5.Considering the facts and circumstances, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) to the Manonmani Trust Account No.047501000028847 of Indian Overseas Bank, Tower Branch, AC-56, 5th Avenue, Anna Nagar, Chennai 600 040, IFSC :IOBA0000475 and on production of proof and 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 learned Metropolitan Magistrate No.V, Egmore within 15 days from the date of lifting of the 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 Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter, 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 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];

(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.

-sd/-
24/06/2020

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 METROPOLITAN MAGISTRATE
NO.V, EGMORE, CHENNAI.

2 THE OFFICER INCHARGE
SUB-PRISON, SAIDAPET.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K 2, AYANAVARAM POLICE STATION,
AYANAVARAM, CHENNAI 600023.

5 THE MANONMANI TRUST
ACCOUNT NO.047501000028847
OF INDIAN OVERSEAS BANK,
TOWER BRANCH, AC-56, 5TH AVENUE,
ANNA NAGAR, CHENNAI 600 040,
IFSC :IOBA0000475

CC to M/S.P.HARI BABU Advocate on payment of necessary charges

CRL OP.9281/2020

Date :24/06/2020

cs 21/07/2020