

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.9286 of 2020

Reena

.. Petitioner

/versus/

State rep. by Inspector of Police,
Panamadangi Police Station,
Vellore District.
Crime No.227 of 2020

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleaded to enlarge the petitioner on bail in Crime No.227 of 2020 pending investigation on the file of the respondent police.

For petitioner : M/s.R.Thulasi

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 28.05.2020 for the alleged offences punishable under Sections 4(1)(a), 4(1-A)(ii) of Tamil Nadu Prohibition Act in Crime No.227 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police conducted a secret raid, they found the petitioner to be in possession of 20 litres of ID Arrack.

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 only for statistical purposes. 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 28.05.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner was illegally found to be in possession of 20 litres of ID Arrack and the same was seized by the respondent police. He further submitted that there are five 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.20,000/- (Rupees twenty 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 Judicial Magistrate, Katpadi, 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.

24.06.2020

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To

1. The Judicial Magistrate, Katpadi

2. The Inspector of Police,
Panamadangi Police Station,
Vellore District.

3. The Public Prosecutor,
High Court, Madras.

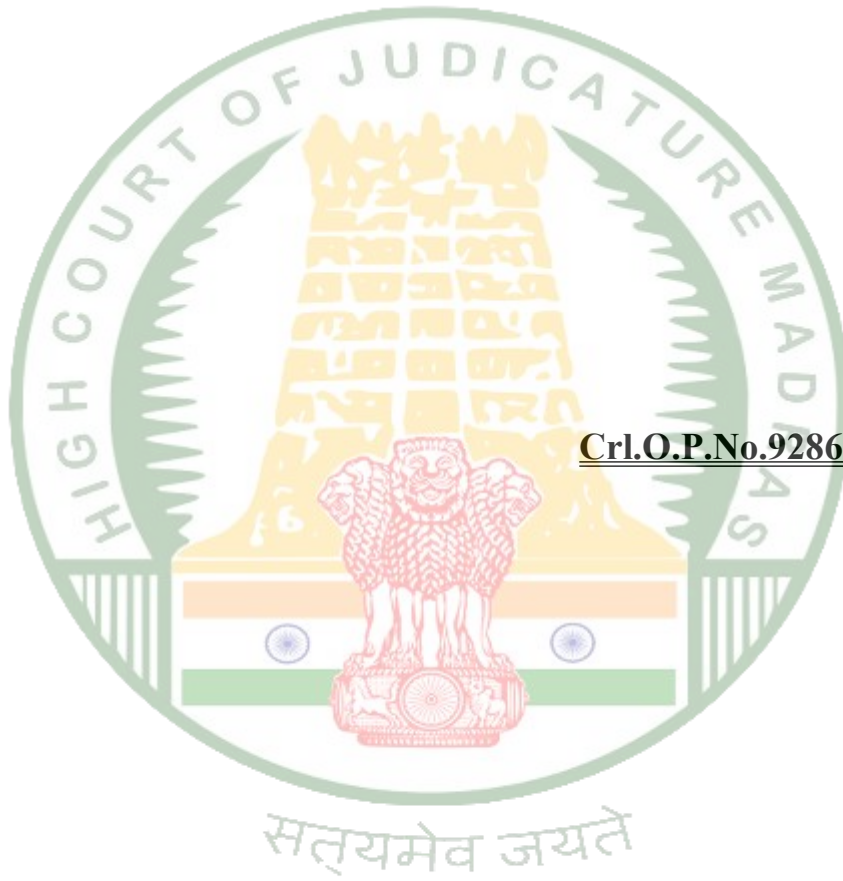
4. The Superintendent,
Special Prison for Women,
Vellore.

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A.D.JAGADISH CHANDIRA,J.

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