IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2020

CORAM :

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

Crl.O.P.No.9677 of 2020

Vijayakumar ... Petitioner

versus

The State Rep. By ... Respondent
The Inspector of Police,
Vellavedu Police Station,
Vellavedu,
Tiruvallur District.
Crime No.1464 of 2020.

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleased to grant bail to the petitioner / Accused No.3 pending investigation in Crime No.1464 of 2020 on the file of Respondent Police.

For petitioner : Mr.B.Jawahar

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

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ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 14.06.2020 for the alleged offences punishable under Sections 4(1)(a) r/w 4(1-A) of T.N.P. Act in Crime No.1464 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused were found in illegal possession of 32 brandy bottles to be sold for higher price during the COVID-19 period.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that 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 Organization or Association. Hence, he prays to grant bail to the petitioner.

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4.The learned Additional Public Prosecutor submitted that the petitioner has got 5 previous cases under the Prohibition Act, he opposed for grant of bail.

5.Per contra, the learned counsel for the petitioner would submit that three of the said cases relate to the year 2011 and two cases relate to the year 2018.

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

(a) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Tamil Nadu Advocate Clerk Association [Account No:484026006, IFSC No.IDIB000M157, Indian Bank, High Court Branch] 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 learned Judicial Magistrate No.II, Poonamallee, 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 two weeks and thereafter, on every Monday at 10.30 a.m., until further orders.

(e) the petitioner to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court.

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

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

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

(i) 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].

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(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
30/06/2020

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 PRINCIPAL DISTRICT AND SESSIONS COURT,
TIRUVALLUR.

2 THE JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE
VELLAVEDU POLICE STATION,
VELLAVEDU,
TIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

7 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION
[ACCOUNT NO:484026006, IFSC NO.IDIB000M157,
INDIAN BANK, HIGH COURT BRANCH.

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

CRL OP.9677/2020

Date :30/06/2020

TA-14/07/2020

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