

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2020

CORAM :

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

Cr1.O.P.No.9723 of 2020

Venkatesan

... Petitioner

/versus/

State: Represented by
The Inspector of Police,
C1, Sriperumbudur Police Station,
Kanchipuram.
Cr.No.1059/2020.

.... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleaded to grant bail to the petitioner / Accused pending investigation in Crime No.1059 of 2020 on the file of Respondent Police.

For petitioner : Mr.S.N.Subramani

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 30.05.2020 for the alleged offences punishable under Sections 4(1) (g), 4(1)(aaa) 4(1-A) of TNP Act in Crime No.1059 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 130 liters of fermented wash and he was trying to manufacture illicit country liquor.

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 and that he is a daily coolie worker. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner is a regular offender and that there are 7 previous cases pending against him and he has also been convicted in a case under Prohibition Act.

5.At this juncture, the learned counsel for the petitioner would submit that the petitioner was convicted in a case under the Prohibition Act during the year 2013 and without prejudice to his contention, the petitioner is prepared to pay some amount to some Organization or Association.

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.20,000/- (Rupees Twenty 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 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 District Munsif cum Judicial Magistrate Court, Sriperumbudhur, 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];

(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 DISTRICT AND SESSIONS JUDGE,
KALLAKURICHI.

2 THE DISTRICT MUNSIF-CUM
JUDICIAL MAGISTRATE, SRIPERUMBUDHUR.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU.

4 THE INSPECTOR OF POLICE,
C-1 SRIPERUMBUDUR POLICE STATION,
KANCHIPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
SUB-PRISON, CHENGALPATTU.

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

CC to M/S.S.N.SUBRAMANI Advocate on payment of necessary charges

CRL OP.9723/2020

Date :30/06/2020