

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.07.2020

CORAM :

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

Crl.O.P.No.9858 of 2020

Ranjith

... Petitioner

/versus/

State Rep. by Sub Inspector of Police
Prohibition Enforcement Wing
Vellore
Vellore District

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.298 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.E.Kannadasan for R.Thulasi

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 27.05.2020 for the offence punishable under Sections 4 (1)(a) 4(1-A)(ii) of Tamil Nadu Prohibition Act in Crime No.298 of 2020, seeks bail.

2. The case of the prosecution is that when the respondent police was on their routine patrol duty, they found the petitioner was illegally in possession 60 packets of I.D. Arrack (each packet containing 500 ml) totally he was in possession of 30 litres and the same 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 rights, the petitioner is prepared to deposit some considerable amount to any charitable organization or to any Association, and that the petitioner has been suffering incarceration from 27.05.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner was found in possession of 60 packets of I.D. Arrack (each packet containing 500 ml) totally he was in possession of 30 litres which was seized by the respondent police.

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 Madras High Court Advocates Clerks Welfare Association, S.B.Account No.484077244, Indian Bank, High Court Branch, IFSC IDIB000M157** 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) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate No.III, Vellore 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 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/-
01/07/2020

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 JUDICIAL MAGISTRATE NO.III,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE SUB INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
VELLORE, VELLORE DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE MADRAS HIGH COURT ADVOCATES CLERKS
WELFARE ASSOCIATION,
S.B.ACCOUNT NO.484077244,
INDIAN BANK, HIGH COURT BRANCH,
IFSC IDIB000M157

CC to M/S. R.THULASI Advocate on payment of necessary charges

CRL OP.9858/2020

Date :01/07/2020

MK:06/08/2020

<https://hcservices.ecourts.gov.in/hcservices/>