

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.07.2020

CORAM :

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

Cr1.O.P.No.9865 of 2020

1.Pandiyan @ Sekar

2.Seeman @ Mujiboor Rahman

... Petitioners

/versus/

The State Rep. by
Inspector of Police
Muthupettai Police Station
Thiruvarur District
Crime No.698 of 2020

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.698 of 2020 on the file of Inspector of Police, Muthupettai Police Station, Thiruvarur District.

For Petitioners : Mr.Swami Subramanian

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 22.06.2020 for the offence punishable under Sections 4(1)(aa), 4(1)(g) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.698 of 2020, seek bail.

2. The case of the prosecution is that when the respondent police were on their routine patrol duty, they found that the petitioners were illegally found in possession of 65 liters of fermented wash in their butcher shop and the same was seized by the respondent police.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. The petitioners are running a butcher shop, however, the other accused A3 without their knowledge had stored the fermented wash in their shop and they have been arrested for no fault of theirs. On instruction, he would further submit that without prejudice to their rights, the petitioners are prepared to deposit some considerable amount to any charitable organization or to any

Association, and that the petitioners have been suffering incarceration from 22.06.2020. Hence, he prays to grant bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the petitioners are running butcher shop and they were illegally found in possession of 65 liters of fermented wash and they were illegally selling the same in their shop, which was recovered from their shop. He would further submit that investigation is pending and there are no previous cases pending as against the petitioners.

5.Taking into consideration of the fact that the petitioners have not involved in any previous cases, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the Madras High Court Advocates Clerks Welfare Association, S.B.Account No.484077244, Indian Bank, High Court Branch IFSC IDIB000M157 and on executing their 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 petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District, 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 petitioners 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 petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners 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,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT

2 THE OFFICER INCHARGE
SUB-JAIL, THIRUTHURAIPOONDI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT.

5 THE MADRAS HIGH COURT ADVOCATE
CLERKS WELFARE ASSOCIATION,
S.B.Account No.484077244,
Indian Bank, High Court Branch IFSC IDIB000M157

CC to M/S SWAMISUBRAMANIAN Advocate on payment of necessary charges

WEB COPY

CRL OP.9865/2020

Date :01/07/2020

RD 17/08/2020