IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.07.2020

CORAM :

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

Crl.O.P.No.10193 of 2020

Veeraiyan @ Kutti Veeraiyan ... Petitioner

Vs.

State of Tamil Nadu
rep. by Inspector of Police
Muthupettai Police Station
Tiruvarur District
(Crime No.671 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.671 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.06.2020 for the offence punishable under Sections 4(1)(aaa), 4(1)(g) r/w 4(1-A) of Tamil Nadu Prohibition Act in Crime No.671 of 2020, seeks bail.

2. The case of the prosecution is that when the respondent police was on their routine patrol duty, they found that the petitioner was illegally in possession of 120 Litres of country made arrack 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 11.06.2020. Hence, he prays to grant bail to the petitioner.

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4.The learned Government Advocate (Crl. Side) submitted that the petitioner was found in possession of 120 litres of country made arrack, which was seized by the respondent police. He would further submit that there are no 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.10,000/- (Rupees Ten 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 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, Thiruthuraipoondi, 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 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];

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(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/-
07/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHIRAPALLI

5 THE SECRETARY,
MANONMANI TRUST A/C NO.047501000028847 OF
INDIAN OVERSEAS BANK, TOWER BRANCH,
AC-56,5TH AVENUE, ANNA NAGAR, CHENNAI-40.
IFSC:IOBA0000475.

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

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CRL OP.10193/2020

Date :07/07/2020

RVR 02/09/2020

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