

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2020

CORAM :

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

Crl.O.P.No.10400 of 2020

Govintharaj

... Petitioner

Vs.

State by Inspector of Police
Arakkonam Town Police Station
(Crime No.478/2020)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.478 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.M.Mohamed Hasain

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 30.05.2020 for the offence punishable under Sections 4(1)(a) 4(1-A)(ii) of Tamil Nadu Prohibition Act in Crime No.478 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 11 bottles of Honey day brandy containing 180 ml 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 defence, the petitioner is prepared to deposit some considerable amount to any charitable organization, and that the petitioner has been suffering incarceration from 30.05.2020 and inside the prison for more than 45 days. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner was illegally found in possession of 11 bottles of Honey day brandy containing 180 ml.The petitioner has 7 previous cases against him.

5.Taking into consideration of the facts and circumstance and also submissions made by the counsels and considering the fact that the petitioner is suffering incarceration for more than 45 days, 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 Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, e-mail: jscmprf@tn.gov.in or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F** and on such deposit and production of proof 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, Arakkonam within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning whichever is earlier, 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/-
10/07/2020

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,
ARAKKONAM

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT,MADRAS.

4 THE INSPECTOR OF POLICE
ARAKKONAM TOWN POLICE STATION

5 THE SUPERINTENDENT,
CENTRAL PRISON,VELLORE

6 THE JOINT SECRETARY & TREASURER
CHIEF MINISTER'S PUBLIC RELIEF FUND,
FINANCE (CMPRF) DEPARTMENT,
GOVERNMENT OF TAMILNADU, SECRETARIAT,
CHENNAI 600 009, TAMILNADU, INDIA,
e-MAIL: jscmprf@tn.gov.in OR
BY ELECTRONIC CLEARING SYSTEM(ECS)
TO INDIAN OVERSEAS BANK,
SECRETARIAT BRANCH, CHENNAI 600 009,
S.B.ACCOUNT NO.11720 10000 00070,
IFS CODE IOBA0001172,
CMPRF PAN: AAAGC0038F

CC to M/S. .MOHAMMED HASAIN Advocate on payment of
necessary charges

CRL OP.10400/2020

Date :10/07/2020

GKS (CS) :12/08/2020



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