



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2020

CORAM :

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

Crl.O.P.No.10707 of 2020

Vikram

... Petitioner

Vs.

State rep. by its
The Inspector of Police
P.E.W. Mayiladuthurai Police Station
Nagapattinam District
(Crime No.542 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.542 of 2020 pending investigation on the file of the The Inspector of Police, P.E.W. Mayiladuthurai Police Station, Nagapattinam District.

For Petitioner : Mr.S.P.Hari Krishnan

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 25.06.2020 for the offences punishable under Section 4 (1) (aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act and Section 4 & 5 of TNRS Rules, 2000, in Crime No.542 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 along with other accused was illegally in possession of 385 litres of rectified spirit 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 25.06.2020. Hence, he prays to grant bail to the petitioner.



4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused was found in possession of 385 litres of rectified spirit. There are no previous cases as far as this petitioner is concerned and he was arrested on 25.06.2020

5.Taking into consideration of the fact, considering the submissions made by the learned counsel and also considering the fact this petitioner has not involved in any previous cases, 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.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the Dean, Tanjavur Medical College Hospital**, on such deposit and production of proof and also 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) 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.I, Mayiladuthurai, within a period of two weeks after lifting of lockdown or 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) Merely, because the petitioner deposits the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

(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 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];

(j) 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/-
17/07/2020

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.I,
MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
P.E.W. MAYILADUTHURAI POLICE STATION,
NAGAPATTINAM DISTRICT.

6 THE DEAN,
TANJAVUR MEDICAL COLLEGE HOSPITAL,
TANJAVUR.

CC to M/S. S.P.HARIKRISHNAN Advocate on payment of
necessary charges

CRL OP.10707/2020

Date :17/07/2020

MK:20/08/2020