

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.08.2020

CORAM :

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

Crl.O.P.No.12152 of 2020

Bharathiraja
[*]S/o.Katturaja @ Raja

... Petitioner

Vs.

State represented by
The Sub Inspector of Police
Prohibition Enforcement Wing
Polur
Tiruvannamalai District
(Crime No.350 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.350 of 2020 on the file of the Respondent.

For Petitioner : Mr.B.Mahendra Naidu

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)
[IN CRL.OP.NO.12152 OF 2020]

For Respondent : MR.M.MOHAMED RIYAZ,
ADDITIONAL PUBLIC PROSECUTOR
[IN CRL.MP.NO.5180 OF 2020
IN CRL.OP.NO.12152 OF 2019]

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.05.2020 for the offences punishable under Section 4 (1)(aaa), r/w 4(1-A) (ii) of Tamil Nadu Prohibition Act, in Crime No.350 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner was illegally found in possession of 35 litres of I.D.Arrack and when the complainant consumed 60 ml of ID Arrack from the petitioner, he immediately became unwell. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was earlier detained under Act 14 by order dated 09.06.2020 by the District Collector. Thereafter, the Government has revoked the detention order. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner was illegally found in possession of 35 litres of I.D. Arrack. He would further submit the detention order of the petitioner was revoked by the Government.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and also considering the fact that the detention order has been revoked by the Government, this Court is inclined to grant bail to the petitioner, subject to the following conditions: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 execute 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, Polur, **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 Aadhaar card or Bank pass Book to ensure their identity;

(d)**the petitioner on his release from prison, shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks, 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/-
17/08/2020

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.

[*]Petitioner's Father Name is amended as per order of this Court dated 01/09/2020 made in CRL.MP.NO.5180 OF 2020 IN CRL.OP.NO.12152 OF 2019

TO

1 THE JUDICIAL MAGISTRATE,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE JAILER,
SUB-JAIL, TIRUVANNAMALAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
POLUR, TIRUVANNAMALAI DISTRICT

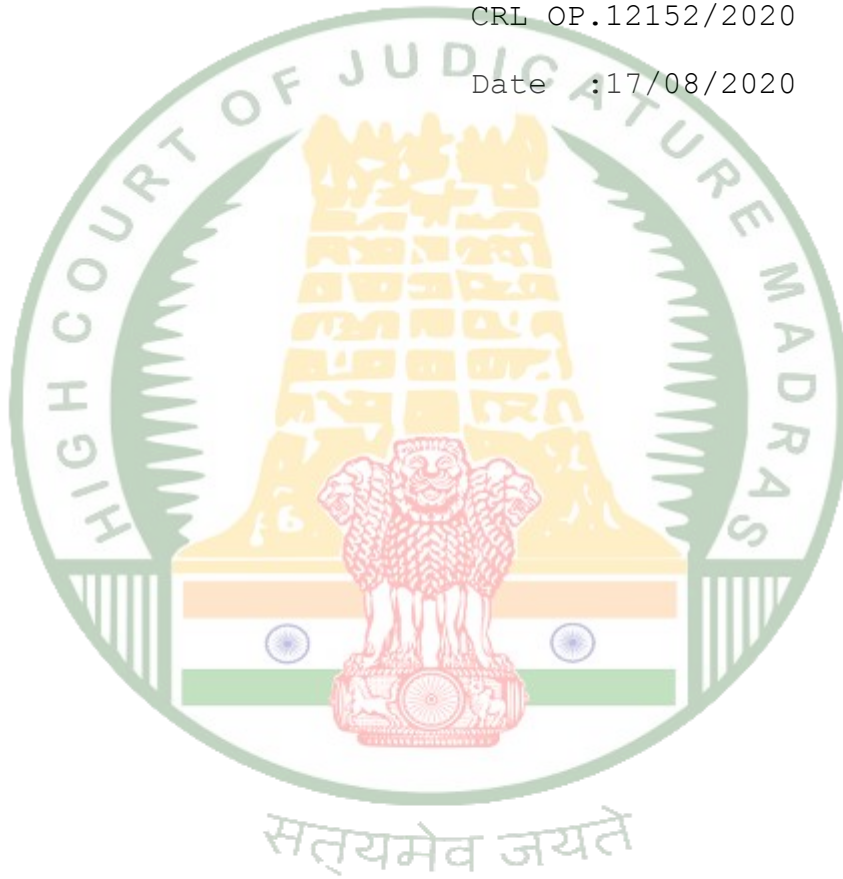
CC to M/S.B.MAHENDRA NAIDU Advocate on payment of necessary
charges

CRL OP.12152/2020

Date :17/08/2020

MK:02/09/2020

MK:24/09/2020



WEB COPY