

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.12292 of 2020

1.Selvakumar
2.Loganathan

... Petitioners

Vs.

The State of Tamil Nadu
Rep by The Inspector of Police
R-3, Ashok Nagar Police Station
Chennai
(Crime No.627 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.627 of 2020 on the file of the Inspector of Police, R-3, Ashok Nagar Police Station, Chennai.

For Petitioners: Mr.S.Anil Sandeep

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

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 23.07.2020 for the offences punishable under Section 188 IPC and Sections 4(1)(aaa), 4(1-A) & 4(1)(i) of Tamil Nadu Prohibition Act, in Crime No.627 of 2020, seek bail.

2. The case of the prosecution is that the petitioners were illegally found in possession of 843 bottles of TASMAL liquor. The same was seized by the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. On instruction, he would further submit that taking into consideration the Covid pandemic situation the petitioners without prejudice to his defence, are prepared to make considerable donation to any charitable Organization or Association, and that the petitioners have been suffering incarceration from 23.07.2020. Hence, he prays to grant bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners were illegally found in possession of 843

bottles of TASMAL liquor. He would further submit that there are no previous cases pending against the petitioners. However he opposed for the grant of bail to the petitioners.

5. Taking into consideration the voluntary submission made by the petitioners offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioners shall be directed to make **a payment/donation of a sum of Rs.5,000/- (Rupees Five Thousand only) each to the Missionaries of Charity, A/c.No.0042053000009382, IFS Code: SIBL0000042, South Indian Bank Limited, George Town Branch.** and on such payment and production of proof they shall be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners shall report before the respondent police every day at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

(c) thereafter on their release from the prison, within a period of two weeks after lifting of lockdown or commencement of the Court's normal functioning whichever is earlier, shall surrender before **the learned XXIII Metropolitan Magistrate, Saidapet, Chennai** and furnish two sureties for a sum of Rs.10,000/- each failing which the bail granted by this Court shall stand dismissed automatically.

(d) Merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

(e) 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;

(f) the petitioners shall not commit any offences of similar nature;

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

(h) the petitioners 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 55601.

(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/-
17/08/2020

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.

TO

1 THE XXIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-3, ASHOK NAGAR POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

6 THE MISSIONARIES OF CHARITY,
A/C.NO.0042053000009382, IFS CODE: SIBL0000042,
SOUTH INDIAN BANK LIMITED, GEORGE TOWN BRANCH

+2 CC to M/S. S.ANIL SANDEEP Advocate on payment of necessary charges SR.No 5944

CRL OP.12292/2020

Date :17/08/2020

MN-20/08/2020