

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2020

CORAM :

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

Crl.O.P.No.14145 of 2020

Kannan

... Petitioner

Vs.

The State Rep. by
Inspector of Police
Muthupettai Police Station
Thiruvarur District
(Crime No.2328 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.2328 of 2020 pending on the file of the Respondent Police.

For Petitioner : Mr.Swami Subramanian

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 29.08.2020 for the offences punishable under Section 4 (1)(a), r/w. 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.2328 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner was illegally found in possession of 24 bottles of brandy each containing 180 ml. 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 and there is no previous cases. On instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit considerable amount to any charitable Organization or Association, and that the petitioner has been suffering incarceration from 29.08.2020. 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 24 bottles of brandy each containing 180 ml.and there is no previous

case pending against the petitioner. However he opposed for the grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and also the fact the petitioner is in custody from 29.08.2020, 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 make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the Tamil Nadu Advocate Clerk Association, High Court of Madras, Indian Bank, High Court Branch, A/c. No.484026006, IFSC.No.IDIB000M157,** on such deposit and production of proof and also 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 **within a period of two weeks from the date of the commencement of the Court's normal functioning, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each,** before the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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.

(d) 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;

(e) the petitioner on his release from prison 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.

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

(g) 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
11/09/2020

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,
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT [FOR INFORMATION]

3 THE JAILER, SUB JAIL, MANNARGUDI

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE, THIRUVARUR DISTRICT.

6 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
HIGH COURT OF MADRAS, INDIAN BANK, HIGH COURT BRANCH,
A/C.NO.484026006, IFSC.NO.IDIB000M157

CC to M/S. SWAMI SUBRAMANIAN Advocate on payment of
necessary charges

CRL OP.14145/2020

Date :11/09/2020

GKS:16/09/2020