

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.09.2020

CORAM :

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

CRL.O.P.No.14878 of 2020

1. Parimala W/o.Annamalai

2. Suman S/o.Selvam

... Petitioners

Vs.

State Represented By
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
(Crime No.1368 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail, pending investigation in Crime No.1368 of 2020 on the file of the respondent police.

For Petitioners : M/s.G.K.Associates

For Respondent : Ms.S.Thankira

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 01.09.2020 for the offences punishable under Sections 294 (b), 332, 506(2), 307 IPC r/w. 4(1) (a) of Tamil Nadu Prohibition Act, in Crime No.1368 of 2020, seek bail.

2.The case of the prosecution is that on 31.08.2020 based on a specific information, the defacto complainant, Sub Inspector of Police had gone on raid and found the petitioners were selling liquor and when the defacto complainant attempted to apprehend them, the 1st petitioner abused the defacto complainant and assaulted him with an iron rod and ran away from the scene of occurrence. When the search was made in the house, the respondent police found 80 bottles of 180 ml. illicit liquor and the same was seized by them.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that there was a quarrel between the husband and the wife and when the defacto complainant intercepted them, they have abused him, thereby, a false case has been foisted against them. He would further submit that the

petitioners are in custody from 01.09.2020.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioners were found to be selling illicit liquor and when the defacto complainant attempted to apprehend them, one of the accused assaulted him and the other accused escaped from the scene of occurrence. She would further submit that the respondent police have seized 80 bottles of 180 ml illicit liquor from them. She would further submit that the 2nd petitioner has one previous case against him.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to both the petitioners subject to the following conditions:

(a) Since the 2nd petitioner is having one previous case, he is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) as a non-refundable deposit through RTGS/NEFT to the "Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172", within fifteen (15) days from the date of receipt of a copy of this order and 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 petitioners 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, Uthangarai, failing which the bail granted by this Court shall stand dismissed automatically;

(c) Merely, because the 2nd petitioner deposits the said amount, it would not amount to admission of his 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 petitioners on their release from prison shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 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];

(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/-

23/09/2020

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,
UTHANGARAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UTHANGARAI POLICE STATION,
KRISHNAGIRI DISTRICT,

5 THE SECRETARY
THE CHIEF MINISTERS PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK
SECRETARIAT BRANCH, CHENNAI

CC to M/S.G.K.ASSOCIATES Advocate on payment of necessary charges sr.No.

CRL OP.14878/2020

Date :23/09/2020

RD 25/09/2020