

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14905 of 2020

Mani

... Petitioners/Accused-A2

Vs.

State By

The Inspector of Police,
Arakkonam Town Police Station,
Vellore District
(Crime No.775 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.775 of 2020, pending on the file of the The Inspector of Police, Arakkonam Town Police Station, Vellore District.

For Petitioners : Mr.S.Silambu Selvan

For Respondent : Ms.S.Thankira
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 06.08.2020 for the offences punishable under Sections 4(1)(a), 4(1-A), (ii) of TNP Act in Crime No.775 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 15 number of golden choice brandy, each containing 180 ml on 06.08.2020 and he was arrested and remanded to the judicial custody on the same day.

3 The learned counsel appearing for the petitioner would submit that this is second application for bail and the earlier application was dismissed by this Court on 31.08.2020 and he has been suffering incarceration for more than 45 days. On instruction, he would further submit that taking into consideration the Covid pandemic situation the petitioner without prejudice to his defence, is prepared to make considerable donation to any charitable Organization or Association. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit the earlier application for bail was dismissed on the ground that the petitioner was having 12 previous cases against him.

5 At this juncture, the learned Counsel for the petitioner would submit that those are old cases and those cases were registered against the petitioner only for statistical purpose. He would further submit that taking into consideration the period of incarceration undergone by the petitioner from 06.08.2020, the bail application may be considered.

6 Taking into consideration the facts and submissions made by the learned counsels and considering the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions;

7 In order to curb the illegal activities and taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioner shall be directed to make a payment/donation of a sum of Rs.5,000/- (Rupees Five Thousand only) to the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, e-mail: jscmprf@tn.gov.in or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and on such payment and production of proof the petitioner shall be released on bail on executing a 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;

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

(b) thereafter on his release within a period of two weeks from the date of commencement of the Court's normal functioning, shall surrender before the Judicial Magistrate, Arakkonam, and furnish two sureties for a sum of Rs.10,000/- each 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 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 petitioner shall not commit any offences of similar nature;
<https://hcservices.courts.gov.in/hcservices/>

(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 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.

7 With the above directions, this Criminal Original Petition is ordered.

-sd/-

24/09/2020

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, सत्यमेव जयते
ARAKKONAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

5 THE JOINT SECRETARY & TREASURER,
CHIEF MINISTER'S PUBLIC RELIEF FUND,
FINANCE (CMPRF) DEPARTMENT, GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI 600 009,
TAMIL NADU, INDIA, E-MAIL: JSCMPRF@TN.GOV.IN OR
BY ELECTRONIC CLEARING SYSTEM (ECS)
TO INDIAN OVERSEAS BANK,
SECRETARIAT BRANCH, CHENNAI 600 009,
S.B.ACCOUNT NO.11720 10000 00070,
IFS CODE IOBA0001172, CMPRF PAN: AAAGC0038F

CC to M/S. S.SILAMBU SELVAN Advocate on payment of necessary charges

CRL OP.14905/2020

Date :24/09/2020

RVR 25/09/2020



WEB COPY