IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.10.2020

CORAM :

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

Crl.O.P.No.15571 of 2020

Balu @ Balamurugan ... Petitioner

Vs.

The State By ... Respondent
The Sub Inspector of Police
PEW Police Station
Vellore
(Crime No.458 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.458 of 2020 pending investigation on the file of the Respondent police station.

For Petitioner : Mr.S.Thirugnanam

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 03.08.2020 for the offences punishable under Section 4 (1)(a), 4(1-A)(ii) of Tamil Nadu Prohibition Act, in Crime No.458 of 2020, seeks bail.

2.The case of the prosecution is that the petitioner was illegally found in possession of 15 Quarter bottles of Duplicate XXX Rum. 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. He would further submit that the petitioner was arrested on 03.08.2020 and he is in judicial custody for more than a month.

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4.The learned Government Advocate (Crl. Side) would submit that the petitioner has 14 previous cases, whereas the Lower Court has stated that the petitioner has got only five previous cases. Hence, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel would submit that the case was registered for statistical purpose and that the quantity is also less and that the petitioner is in custody for about a month. On instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit some considerable amount to any charitable organization, and that the petitioner has been suffering incarceration from 03.08.2020. Hence, he prays to grant bail to the petitioners.

6.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and considering the fact that period of incarceration bail may be granted to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner shall deposit a sum of Rs.10,000/-(Rupees Ten thousand only) to the Cancer Institute(WIA), (Regional Cancer Centre), Adyar, Chennai - 600 020, bearing A/c No.149710011005477, Andhra Bank, Madhya Kailash Branch, and on such deposit and on production of proof, the petitioner is ordered to be released on bail on executing his bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Vellore, and on further conditions that;

(b) 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;

(c) the petitioner on his release from prison, shall report before the respondent police daily at 10.30 a.m. until further orders.

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

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(h) 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/-
05/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.III
VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
PEW POLICE STATION,
VELLORE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

6 THE CANCER INSTITUTE(WIA), (REGIONAL CANCER CENTRE), ADYAR, CHENNAI - 600 020, BEARING A/C NO.149710011005477, ANDHRA BANK, MADHYA KAILASH BRANCH,

+1 CC to M/S.S.THIRUGNANAM Advocate on payment of necessary charges SR.NO.6609

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CRL OP.15571/2020

Date :05/10/2020

TA-06/10/2020

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