

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

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

CRL.O.P.No.15903 of 2020

A.Saravanan

... Petitioner

Vs.

The State by
The Inspector of Police,
PEW, Krishnagiri.
(Crime No.757 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.757 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Bharathi Raja

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 28.08.2020 for the offences punishable under Sections 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act r/w Sections 468, 471 & 420 of IPC and Rules 6 & 7 TN Rectified Spirit Rules 2000, in Crime No.757 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 28.08.2020 at about 6.30 a.m. the respondent police received a secret information about some persons preparing spurious liquor. On receipt of the information, the respondent police visited the house of A1 and on seeing the police party, the petitioner and other accused tried to escape from the scene of occurrence, however, the respondent police managed to apprehend two of the accused and made a search in the house and found the accused were in illegal possession of 1.Bush Rum Remover Essence - 1 liter, 2.Honey Essence - 1/2 liter, 3.Bush Banana No.1 - 1/2 liter, 4.BRAC Mixed Fruit Flavour S.1038 - 1/2 liter, 5. 100 Nos. of Express brandy Label, 6. 400 Nos. of MC Brandy Label, 7. 50 Nos. of Honey Bee Label, 8. 50 Nos. of Men's Club Brandy Label, 9. 10 Nos. of Black Barrel Brandy, 10. 1 No. of Camlin While Glue, 11. 150 Nos. of Hologram 18 sheets, 12. 1 No. of Blending Machine, 2000 Nos. of Bottle cap, 13. 200 Nos. of empty bottles (each bottle 375 ml) 3 Nos. of

plastic cane containing 35 liters of spirit, totally 105 liters of Spirit for preparing illicit liquor. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that this is the second bail application, the earlier bail application was dismissed by this Court 18.09.2020 in Crl.O.P.No.14573 of 2020, on the ground that there are two previous cases pending against the petitioner and that he was arrested recently on 28.08.2020. He would further submit that A1 has been granted bail by this Court vide Crl.O.P.NO.15952 of 2020 dated 08.10.2020 and that the petitioner has been suffering incarceration for two months from 28.08.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that on information, the respondent police conducted a search in the house of A1 and found the petitioner along with other accused in illegal possession of Bush Rum Remover Essence - 1 liter, Honey Essence - 1/2 liter, Bush Banana No.1 - 1/2 liter, BRAC Mixed Fruit Flavour S.1038 - 1/2 liter, 100 Nos. of Express brandy Label, 400 Nos. of MC Brandy Label, 50 Nos. of Honey Bee Label, 50 Nos. of Men's Club Brandy Label, 10 Nos. of Black Barrel Brandy, 1 No. of Camlin White Glue, 150 Nos. of Hologram 18 sheets, 1 No. of Blending Machine, 2000 Nos. of Bottle cap, 300 Nos. of empty bottles (each bottle 375 ml) 3 Nos. of plastic cane containing 35 liters of spirit, totally 105 liters of Spirit for manufacturing illicit liquor. He would further submit that the accused were almost running a illicit liquor factory and there are two previous cases pending against this petitioner.

5.Heard the learned counsels on either side. Perused the other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and the fact that A1 in this case has been granted bail by this Court and also considering the period of incarceration suffered by the petitioner from 28.08.2020, 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 execute a 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 Judicial Magistrate No.I, Krishnagiri, 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 everyday 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];

(h) 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/-
28/10/2020

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 NO.I,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

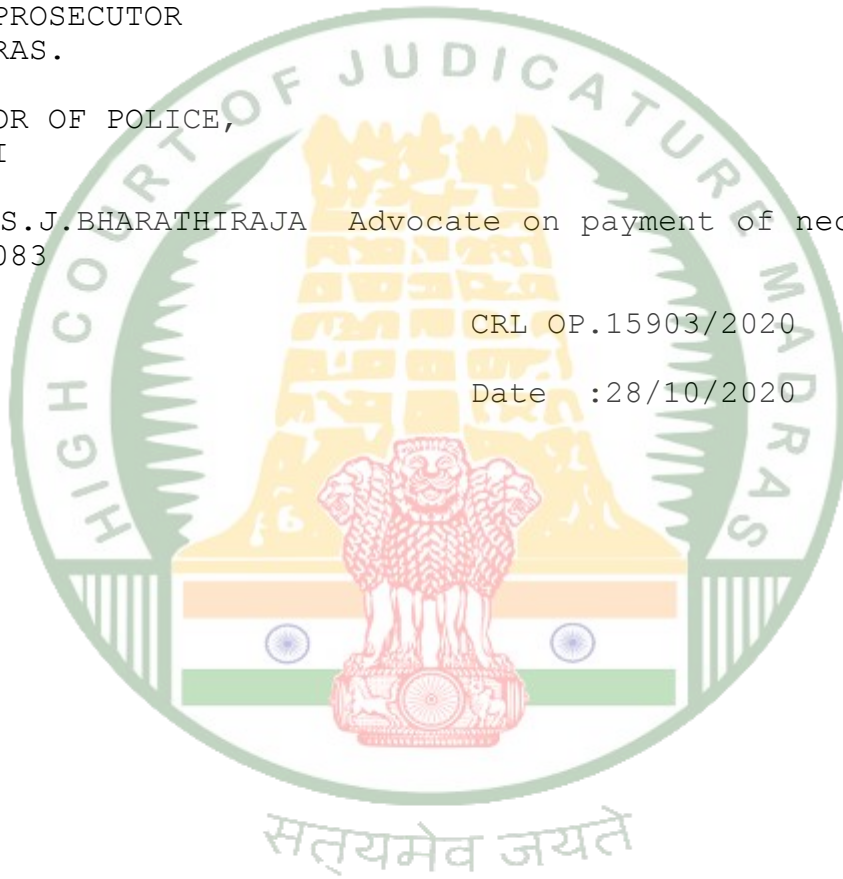
5 THE INSPECTOR OF POLICE,
PEW, KRISHNAGIRI

+1CC to M/S.J.BHARATHIRAJA Advocate on payment of necessary
charges SR NO.7083

MK:29/10/2020

CRL OP.15903/2020

Date :28/10/2020



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