

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2020

CORAM :

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

CRL.O.P.No.15936 of 2020

VENGATESAN

... Petitioner

Vs.

State, represented by
The Inspector of Police,
Sholavaram Police Station,
Thriuvallur District.
(Crime No.4941/2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.4941 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Chandrasekar

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 19.09.2020 for the offences punishable under Section 4(1)(a), 4(1-A) of T.N.P.Act, in Crime No.4941 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant, the Sub Inspector of Police is that while they were conducting raid, they found that the petitioner was illegally in possession of 160 bottles of brandy each containing 180 ml. without any valid licence or permit.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner on 19.09.2020, was found to be in possession of 160 bottles of brandy, each containing 180 ml, worth Rs.19,000/-. He would further submit that the petitioner is having one previous case against him.

5.At this juncture, the learned counsel for the petitioner on instructions would submit that taking into consideration of the Covid pandemic situation, the petitioner without prejudice to his defence, is prepared to make considerable donation to any Charitable Organization or Association and the petitioner has been suffering incarceration from 19.09.2020. Hence, he prays for grant of bail.

6.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 for a sum of Rs.10,000/- (Rupees Ten Thousand Only) as 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, and on such payment and production of proof, he shall be released on bail on further condition to execute a bond for a sum of Rs.10,000/- (Ten Thousand only) with two sureties, each for a likesum to the satisfaction of the the learned Judicial Magistrate No.II, Ponneri, and on further conditions that;

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

(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) 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 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/-
16/10/2020

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.II, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, CHENGALPATTU

6 THE CHIEF MINISTERS PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK, SECRETARIAT BRANCH,
CHENNAI SB.A/C. NO.117201000000070,
IFSC CODE. NO.IOBA0001172

CC to M/S. P.CHANDRASEKAR Advocate on payment of necessary charges

CRL OP.15936/2020

Date :16/10/2020

RVR 19/10/2020