

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.10.2020

CORAM :

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

CRL.O.P.No.16241 of 2020

Vijayakumar

... Petitioner

Vs.

State, rep. by the
Inspector of Police
PEW, Dharmapuri
Dharmapuri District
(Crime No.1032 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.1032 of 2020 pending on the file of the Respondent Police.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Ms.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 05.09.2020 for the offence punishable under Sections 4(1)(a), 4(1)(A) of Tamil Nadu Prohibition Act and Sections 468, 471 and 420 of IPC, in Crime No.1032 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 75 nos. of liquor bottles each containing 180 ml. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, on instruction, he would further 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 05.09.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner was found in possession of 75 nos. of duplicate brandy bottles, each containing 180 ml and there is no previous case against the petitioner. However, he vehemently opposed for grant of bail.

5. 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.5,000/- (Rupees Five 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, Pennagaram, 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.

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

-sd/-
13/10/2020

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,
PENNAGARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE JAILER
DISTRICT JAIL, DHARMAPURI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PEW,
DHARMAPURI DISTRICT.

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

CC to M/S.V.SAKKARAPANI Advocate on payment of necessary charges

CRL OP.16241/2020

Date :13/10/2020

cs 14/10/2020