

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.16812 of 2020

Vishwanathan

... Petitioner

Versus

State by
The Inspector of Police,
Thiruthuraipoondi Police Station,
Tiruvarur District.
Crime No.2656 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail, pending investigation of the case in Crime No.2656 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Vijaya Ragavan

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

ORDER

(This case has been heard through Video Conferencing)

The petitioner who was arrested and remanded to judicial custody on 02.10.2020 for the offences publishable under Sections 4 (1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, 1937 of IPC in Crime No.2656 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.10.2020, when the Sub Inspector of Police along with his police party, was on regular patrol duty, the petitioner was found to be in possession of 175 bottles of liquor. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody from 02.10.2020. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (CrI. Side) would submit that the petitioner purchased 175 bottles of liquor from TASMAC and also opened the seal and mixed some chemical substances for extra intoxication. He further submitted that the petitioner is a habitual offender and he has got two previous cases. He would further submit that the investigation is in preliminary stage and if the petitioner is released on bail, he may involve in committing offence of similar nature. Hence, he vehemently opposed to grant bail to the petitioner.

5. Though the investigation is at the preliminary stage, it is surprised to note that how a single person can get 175 bottles of liquor from a TASMAC shop. Admittedly the respondent police is the complainant and that the respondent has not registered any case as against the person who had actually sold 175 bottles of liquor to one person.

6. Considering the above facts and circumstances of the case and the period of incarceration by the petitioner from 02.10.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No. 2656 of 2020 and on such deposit, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Thiruthuraipoondi and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.2656 of 2020 before executing the bond.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at the conclusion of trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[g] the investigating officer shall scrupulously ensure that the petitioner complies with all conditions hereby imposed and shall report breach of conditions, if any promptly to the learned Magistrate/Trial Court.

[h] On breach of any of the aforesaid conditions, the learned 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 held by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala reported in (2005)AIR SCW 5560.**

[i] If the accused thereafter absconds, (I) a fresh FIR can be registered under Section 229A IPC. (II) the amount deposited as per clause (b) shall be forfeited and the same shall be remitted to the Government/victim.

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

-sd/-

22/10/2020

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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, MANNARGUDI.

4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
TIRUVARUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.VIJAYA RAGAVAN Advocate on payment of
necessary charges

CRL OP.16812/2020

Date :22/10/2020

MN-22/10/2020



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