

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2020

CORAM :

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

CRL.O.P.No.17222 of 2020

J.Vignesh

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,
Sevvapet Police Station,
(Crime No.2163 of 2020)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the crime number in 2163 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.T.V.G.Kartheeban

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 11.10.2020 for the offence punishable under Sections 294(b), 353, 307 of IPC and 4(1)(a), 4(1)(A) of T.N.P. Act, in Crime No.2163 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.10.2020, when the Sub Inspector of Police attached to the respondent police station, along with his police party was on routine check up, the petitioner along with other accused was found selling beer and brandy unauthorizedly at higher price. When it was questioned by the defacto complainant, the petitioner along with other accused abused him in filthy language and attempted to assault him and also prevented him from discharging his official duty.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner is arrayed as A2. The uncle of the petitioner / A1 was running a fast food hotel near the bar and that the petitioner was assisting him. Other than that, the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner is prepared to make considerable donation to any charitable organization or Association and that the petitioner has

been suffering incarceration for a month from 11.10.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner along with A1 was running a unauthorized bar and when it was questioned by the defacto complainant, they have made an attempt on the defacto complainant and also prevented him from discharging his duty. He would further submit that there are two previous cases against the petitioner out of which, one case is for offence under TNP Act and the other case is for IPC offence.

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.10,000/- (Rupees Ten Thousand only) 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 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 learned Judicial Magistrate-II, Tiruvallur, and on further conditions that;

(a) 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.

(b) the petitioner shall report before the respondent police every day at 10.30 a.m. until further orders.

(c) 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;

(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/-

11/11/2020

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, TIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,

5 THE OFFICER INCHARGE,
SUB JAIL, THIRUVALLUR

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.T.V.G.KARTHEEBAN Advocate on payment of necessary charges Sr.7533

WEB COPY

CRL OP.17222/2020

Date :11/11/2020

RVR 18/11/2020