

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

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

CRL.O.P.No.17614 of 2020

1.Prabhu
2.Sakthivel

... Petitioners

Vs.

State Rep by:-

The Inspector of Police,
J-3 Guindy Police Station,
Chennai-32.

(Crime No.939 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in Crime No.939 of 2020 on the file of the respondent police.

For Petitioners : Mr.N.Senthil Kumar

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 01.11.2020 for the offences punishable under Sections 4(1-A), 4(1) (aa), 4(1) (i) of T.N.P.Act in Crime No.939 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.10.2020, the petitioners were found in illegal possession of 405 Liquor bottles (180.m.l each) and Rs.16,200/- cash. The same was seized by the respondent police.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that there are no previous case against the petitioners. On instructions, he would further submit that without prejudice to their defence, the

petitioners are prepared to deposit considerable amount to any charitable Organization or Association. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners were found in illegal possession of 405 liquor bottles and cash of Rs.16,200/-. He would further submit that the petitioners have no previous case against them. However, he vehemently opposed to grant bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) Each of the petitioner is directed to deposit 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, they shall be released on bail on further condition to execute a separate bond for a sum of Rs.10,000/- (Ten Thousand only) with two sureties each for a likesum sum to the satisfaction of the the learned IX Metropolitan Magistrate, Saidapet, Chennai-15, 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) Merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

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

(f) the petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(j) 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/-
10/11/2020

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 METROPOLITAN MAGISTRATE
NO.IX, SAIDAPET, CHENNAI-15

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE JAILER
SUB-JAIL,
SAIDAPET, CHENNAI-15.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
J-3 GUINDY POLICE STATION,
CHENNAI-32.

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.N.SENTHIL KUMAR Advocate on payment of necessary charges

CRL OP.17614/2020

Date :10/11/2020