

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.17606 of 2020

Shirajuddin Khan

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,
P.E.W.Police Station,
Dharmapuri,
Dharmapuri District.
(Crime No.1109 of 2020)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.1109 of 2020 on the file of the respondent police.

For Petitioner : Mr.Chinnasamy

For Respondent : Mr.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 27.09.2020 for the offences punishable under Sections 4(1) (aaa) r/w 4(1-A) of T.N.P.Act and 468, 471, 420 of IPC in Crime No.1109 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.09.2020, the petitioner along with other accused were found in illegal possession of 690 Liquor bottles (180.m.l each). The same was seized by the respondent police.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that there is no previous case against the petitioner. On instructions, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit considerable amount to any charitable Organization or Association. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused were found in illegal possession of 690 liquor bottles. Hence, he vehemently opposed to grant bail to the petitioner.

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 petitioner, subject to the following conditions:

(a) The petitioner is directed to deposit 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 sum to the satisfaction of the the learned Judicial Magistrate, Palacode, Dharmapuri District, 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 petitioner deposit 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, on his release from prison, shall report before the respondent police daily at 10.30 a.m., until further orders;

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

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

(h) the petitioner 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 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];

(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 JUDICIAL MAGISTRATE,
PALACODE, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE JAILER
SUB-JAIL, DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
P.E.W POLICE STATION,
DHARMAPURI, 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

+1 CC to M/S.CHINNASAMY Advocate on payment of necessary charges
SR.No.7452

CRL OP.17606/2020

Date :10/11/2020