

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2020

CORAM :

THE HON'BLE Mr.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18488 of 2020

Rayapillai

... Petitioner

Vs.

State rep by
The Inspector of Police
PEW Virudhachalam Police Station
Virudhachalam - Post
Cuddalore - District
(Crime No.125 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.125 of 2020, on the file of the respondent police.

For Petitioner : Mr.D.Veerasekharan

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 24.10.2020 for the offences punishable under **Section 4 (1) (aaa), 4(1-A) and 14A TN Prohibition Act**, in Crime No.125 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is the petitioner was found in possession of 110 liters of I.D. Arrack in two polyethylene covers in a two wheeler. 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 instructions, he would further submit that without prejudice to his defence, the petitioner is prepared to make considerable donation to any Charitable Organization or Association and that the petitioner has been suffering incarceration from 24.10.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner was found in possession of 110 liters of I.D.Arrack. He would further submit that the petitioner has got three previous cases to his credit. Hence, he vehemently opposed for the grant of bail to the petitioner.

5. In order to curb the illegal activities and taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable donation 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.2,500/- (Rupees Two Thousand Five Hundred Only) to the "NAGAMMAI CHILDREN'S HOME, TRICHY, IOB, SB A/c.No.232001000000020, IFSC-IOBA0002320, Vepery Branch, Chennai-600 007.** On such donation and production of proof, he shall be released on bail on further condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a likesum to the satisfaction of the the **learned Judicial Magistrate-I, Virudhachalam, Cuddalore District,** and on further conditions that;

(a) the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

(b) 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.

(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/-

24/11/2020

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-I,
VIRUTHACHALAM, CUDDALORE DIST

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT [FOR INFORMATION]

3 THE JAILER, SUB JAIL, PANRUTI, CUDDALORE DIST

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PEW VIRUTHACHALAM POLICE STATION,
VIRUTHACHALAM POST, CUDDALORE DIST.

6 THE NAGAMMAI CHILDREN'S HOME, TRICHY,
IOB, SB A/C.NO.232001000000020,
IFSC-IOBA0002320, VEPERY BRANCH, CHENNAI-600 007.

+1 CC to M/S.D.VEERASEKHARAN Advocate on payment of necessary charges SR.NO.7769

CRL OP.18488/2020

Date :24/11/2020

GKS:27/11/2020