

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.20400 of 2020

Muthu

... Petitioner

Vs.

State Rep by,
Inspector of Police,
Kolathur Police Station,
Salem District.
(Crime No.512/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. praying to enlarge the petitioner on bail in Crime No.512 of 2020 on the file of the respondent.

For Petitioner : Mr.M.Mariappan

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 09.11.2020 for the offences punishable under Sections 4(1)(g), 4(1)(a) and 4(1-A) of TN Prohibition Act, in Crime No.512 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.11.2020 at 8.45.a.m, while the respondent police in patrol duty regarding prohibition crime, they found that the accused possessed about 10 liters of ID Arrack and 150 liters of wash, which is raw material to prepare the ID arrack. 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. He would submit that there is no previous case against him and that the petitioner is suffering incarceration from 09.11.2020 and hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that on 09.11.2020, when the respondent police in patrol duty, the petitioner was found in illegal possession of 10 litters of ID arrack and 150 liters of wash, which is raw material to prepare the ID arrack. He would further submit that there is no previous case against the petitioner.

5. Taking into consideration of the facts and circumstance of the case and submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner and that there is no previous cases pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to 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 No.I, Mettur, 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) the petitioner, on his release from prison, shall report before the respondent police everyday at 10.30 a.m. until further orders;

(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/-
21/12/2020

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.I, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
KOLATHUR POLICE STATION,
SALEM DISTRICT.

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

सत्यमेव जयते

CRL OP.20400/2020

Date :21/12/2020

cs 22/12/2020

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