



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2020

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PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6270 of 2020

Kottaisamy

.. Petitioner/ Accused No.1

Vs.

The State Rep. by its
The Inspector of Police,
Devipattinam Police Station,
Ramnad District.
(Crime No.147 of 2020)

.. Respondent/Complainant

For Petitioner : M/s A.Udhayakumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER:

For Bail in Crime No.147 of 2020 on the file of the respondent police.

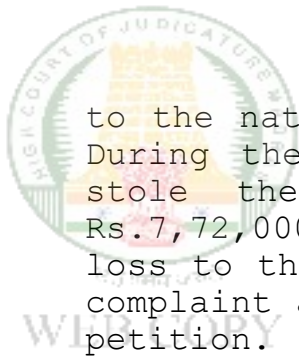
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is arrayed as accused No-1. He was arrested and remanded to Judicial Custody on 26.05.2020 for the offences punishable under sections 457 and 381 of I.P.C., in Crime No.147 of 2020 on the file of the respondent police. He seeks bail.

3. The case of the prosecution is that the petitioner along with one Poosaidurai was working as salesman at a TASMACH outlet. Due

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to the nation-wide lock down, all the TASMALC shops were shut down. During the shut down time, the petitioner along with Poosaidurai stole the IMFL liquor bottles from the TASMALC shop, worth Rs.7,72,000/- and sold the same in black market, thereby creating a loss to the Government. Hence, the TASMALC Authority has preferred a complaint against the petitioner for his act of stealth. Hence, the petition.

4. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A1 in this case and he is nothing to do with the alleged offence. Further, the learned counsel, on instructions from the petitioner, would submit that without any prejudice to his rights, the petitioner is ready to pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Ramanathapuram Medical College Hospital, Ramanathapuram', for the purpose of providing facilities to the Health workers.

5. The learned Government Advocate (crl.side) appearing for the respondent State, on instructions, would submit that the petitioner along with other accused A2, illegally sold the liquor. On search, the respondent Police recovered Rs.6,55,000/- cash and major part of the stolen property was also recovered. He would further submit that the balance amount of Rs.1,17,000/- (Rupees One Lakh and Seventeen Thousand only) is yet to be deposited before the TASMALC Authorities by the petitioner and the other accused, A2 in this regard.

6. Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioner, A1 on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

[a] the petitioner/A1 is directed to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Ramanathapuram;

[b] The petitioner/ A1 & A2 are directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only) each, totally a sum of Rs.1,00,000/- (Rupees One Lakh only) by way of Demand Draft, in favour of 'The Dean, Ramanathapuram Medical College Hospital, Ramanathapuram', on or before 30.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his rights, since the Health workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic; further petitioner is directed to pay Rs.1,17,000/- within a period of two weeks from the date of receipt of a copy of this order;

<https://hcservices.ecourts.gov.in/hcservices/> [c] the petitioner/ A1 and the sureties shall affix their



photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[d] the petitioner/ A1 shall report before the respondent police for interrogation, as and when required;

[e] the petitioner/ A1 shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner / A1 shall not abscond either during investigation or trial;

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner/ A1 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]; and

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilised for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.I, RAMANATHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



3. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

4. THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMNAD DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO: -

THE DEAN,
RAMANATHAPURAM MEDICAL COLLEGE HOSPITAL,
RAMANATHAPURAM.

ORDER
IN
CRL OP(MD) No.6270 of 2020
Date :16/06/2020

STS
TE/VR/SAR-III : 16/06/2020 : 4P/7C