

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.6970 and 6984 of 2021

Murugan

... Petitioner in Crl.O.P.No.6970 of 2021

Babu

... Petitioner in Crl.O.P.No.6984 of 2021

Vs.

State by Rep by
The Inspector of Police,
PEW Tiruchengode Police Station,
Namakkal District.
(Crime No.311 of 2021)

... Respondent in both Crl.Op's

COMMON PRAYER: Criminal Original petitions have been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.311 of 2021 on the file of the respondent police.
(for both Crl.O.Ps)

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

COMMON ORDER

The petitioners in both the petitions, who were arrested on 19.03.2021 and remanded to judicial custody for the offences under Section 4(1)(a) r/w, 4(1-A) of TNP Act in Cr.No.311 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution in both the petitions is that when the respondent police was on regular checkup they found that the petitioners to be in possession of 104 bottles, each containing 180 ml of ID Arrack. Hence, the law enforcing agency registered a case against the petitioners and other accused.

3. The learned counsel for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and they are in jail from 19.03.2021. He further submits that without prejudice to their defence and contentions, the petitioners are ready to deposit any considerable amount, on their own volition, to any

charitable institution. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioners were in possession of 104 bottles, each containing 180 ml of ID Arrack, and the same was recovered from them. She further submits that investigation is almost completed.

5. Taking into consideration the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. As pleaded by the petitioners that they will wilfully and on their own volition pay cost to any charitable institution for the purpose of grant of bail, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) each as non-refundable deposit either through RTGS/NEFT or in cash in favour of 'The Dean, Madras Medical College and Rajiv Gandhi Government General Hospital, Chennai-600 003" and on such payment and production of proof of deposit of the above amount, they shall be released on bail on further condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate at Kumarapalayam, and on further condition that:

(a) 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;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

15/04/2021

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,
KUMARAPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PEW THIRUCHENGODE POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE DEAN, MADRAS MEDICAL COLLEGE AND
RAJIV GANDHI GOVERNMENT GENERAL HOSPITAL, CHENNAI-600 003

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges

WEB COPY

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rvr 16/04/2021