

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.7528 of 2021

Veeramani

...Petitioner/Accused

Vs.

State Rep by,
The Inspector of Police,
Elachipalayam Police Station,
Namakkal District.
Crime No.164 of 2021

... Respondent/Complainant

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.164 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.S. Saravanan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 14.03.2021 and remanded to judicial custody for the offences under Sections 4(1)(a), 4(1)(g), 4(1-A) of TN Prohibition Act in Cr.No.164 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution in that when the respondent police was on regular checkup they found that the petitioner was in possession of 80 liters of I.D Arrack. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner had not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and they were in jail from 14.03.2021. 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 petitioner was in possession of 80 liters of I.D Arrack and the same was recovered from him. She would further submit 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 petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.5. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner has wilfully and on his own volition agreed to pay cost to any charitable institution as imposed by this Court, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruchengode on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner shall to deposit a sum of Rs.50,000/- (Rupees ten Thousand Only) as non-refundable deposit either through RTGS/NEFT or in cash/demand draft in favour of "The Medical Superintendent/Authorised Officer, Government Hospital, Namakkal" for the purpose of development of the hospital and treating covid-19 patients and produce proof of such payment of the above amount to the Judicial Magistrate, Tiruchengode, at the time of release on bail;

(b) the petitioner 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;

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

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

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

(f) 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;

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

-sd/-

26/04/2021

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, TIRUCHENGODE.
- 2.THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT.(FOR INFORMATION)
- 3.THE INSPECTOR OF POLICE,
ELACHIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.
- 5.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
- 6.THE MEDICAL SUPERINTENDENT/AUTHORISED OFFICER,
GOVERNMENT HOSPITAL, NAMAKKAL.

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

CRL OP.7528/2021

Date :26/04/2021

TK/26.04.2021