

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.7697 of 2021

Raja

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Palladam Police Station,
Thiruppur District.
(Crime No.331 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail pending investigation in Crime No.331 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.P.Meenakshi Sundharam

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 05.04.2021 for the offence under Sections 4(1)(a) r/w 4(1-A) of Tamilnadu Prohibition Act in Crime No.331 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner was found to be in possession of 239 bottles of brandy having poisonous smell.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.25,000/- to the Dean, Rajiv Gandhi Government General Hospital, Chennai, to enable the Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients.

4.The learned Additional Public Prosecutor submitted that there is no previous case pending as against the petitioner.

5.Considering the fact that the petitioner is ready to deposit a sum of Rs.25,000/- to the Dean, Rajiv Gandhi Government General Hospital, Chennai for the purpose of treating the COVID-19 patients, I am inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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 Palladam and on further condition that:

(a)the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twentyfive Thousand Only) through demand draft drawn in favour of the Dean, Rajiv Gandhi Government General Hospital, GH Post Office, 3, Poonamallee High Road, Near Chennai Central, Near Park Town, Chennai - 600 003, to enable the Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients, within a period of two weeks. The challan/receipt of such payment shall be produced at the time of executing the bond.

(b)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 petitioners 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/-

28/04/2021

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,
PALLADAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
THIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE DEAN, RAJIV GANDHI
GOVERNMENT GENERAL HOSPITAL,
GH POST OFFICER, 3, POONAMALLEE HIGH ROAD,
NEAR CHENNAI CENTRAL, NEAR PARK TOWN,
CHENNAI- 600 003.

CC to M/S. S.P.MEENAKSHI SUNDHARAM Advocate on payment of necessary charges Sr.5494

CRL OP.7697/2021

Date :28/04/2021

RVR 29/04/2021