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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.7943 of 2021

Angathal

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
Palladam Police Station,
Thiruppur District.
(Crime No.332 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.332 of 2021 on the file of the respondent police.

For Petitioner : Mr.R. Sasikumar

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 05.04.2021 and remanded to judicial custody for the offences under Sections 4(1)(a), 4(1-A) of TN Prohibition Act in Cr.No.332 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 illegal possession of 22 bottles of brandy. 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 she has been falsely implicated in this case and has been in jail from 05.04.2021. He further submits that without prejudice to their defence and contentions, the petitioner, on her own volition, is ready to deposit Rs.50,000/- to The Medical



Superintendent, Government Hospital, Tiruppur" for treating COVID-19 patients. 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 22 bottles of brandy. 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, and also the fact that the petitioner, on his own volition and willingness is ready to pay cost as may be ordered by this Court to any charitable institution, this Court is inclined to grant bail to the petitioner.

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

(a)the petitioner shall to pay a sum of Rs.50,000/- (Rupees fifty Thousand Only) either through RTGS/NEFT/Cash/Demand Draft in favour of "The Medical Superintendent/Authorised Officer, Government Hospital, Tiruppur" for the purpose of treating COVID-19 patients and produce proof of such payment of the above amount to the Judicial Magistrate, Palladam, 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.

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-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 OFFICER INCHARGE
DISTRICT JAIL, THIRUPPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

6 THE MEDICAL SUPERINTENDENT/
AUTHORISED OFFICER,
GOVERNMENT HOSPITAL, TIRUPPUR
FOR THE PURPOSE OF
TREATING COVID-19 PATIENTS

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
SR.No.5464

CRL OP.7943/2021

Date :28/04/2021

cs 29/04/2021