

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9770 of 2021

Annasamy

... Petitioner

Vs

The State rep by its
The Inspector of Police,
PEW Police Station,
Dharapuram,
Tiruppur District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.848 of 2021 pending on the file of the respondent.

For Petitioner :Mr.K.Rajendra Prasad

For Respondent :Mr.E.Raj Thilak

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 18.05.2021 for the offence punishable under Sections 4(1-a), 4 (1-b), 4(1-g), and 4(1-A) of TNP Act in Crime No.848 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioner was found in possession of 3 liters of ID arrack and 450 liters of F-Wash. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. On instruction, he would submit that in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.10,000/- in favour of the Madras High Court Advocate Clerks Welfare Association, High Court, Madras. Further he submits that the petitioner is in judicial custody from 18.05.2021 and hence, he seeks bail for the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner was found in possession of 3 liters of ID arrack and 450 liters of F-Wash illegally and the case property was seized by the respondent police. He is having four previous cases and that the investigation is pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 18.05.2021, this Court is

inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) as non refundable deposit to the credit of the Madras High Court Advocate Clerks Welfare Association (S.B. A/c.No.484077244; IFSC No. IBID000M157) and on such deposit, the petitioner is ordered to be released on bail on condition that he shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

[b] thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of fifteen days from the lifting of lock down and commencement of regular functioning of the Court below, failing which the bail granted by this Court shall stand dismissed.

[c] 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 shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) as non refundable deposit to the credit of the Advocate Clerks Association, High Court, Madras.

[e] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] the petitioner shall not abscond either during investigation or trial.

[h] 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]**.

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
10/06/2021

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,
NO. I, DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY ITS THE INS
PECTOR OF POLICE, PEW POLICE STATION,
DHARAPURAM, TIRUPPUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, PERUNDURAI, ERODE DISTRICT.

6 THE MADRAS HIGH COURT ADVOCATE CLERKS
WELFARE ASSOCIATION (S.B. A/C.NO.484077244;
IFSC NO. IBID000M157)

CC to M/S K.RAJENDRA PRASAD Advocate on payment of necessary charges

CRL OP.9770/2021

Date :10/06/2021

TA-11/06/2021

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