

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.06.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9932 of 2021

Achuthan

... Petitioner

Versus

The State by rep. By
Inspector of Police,
Ambur Town Police Station,
Thirupattur District.
(Crime No.347 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to grant bail to the petitioner pending investigation in Crime No.347/2021 on the file of the respondent police.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.E.Raj Thilak,
Counsel for Government (Crl.Side)

ORDER

The Petitioner who was arrested and remanded to judicial custody on 23.05.2021 for the offences punishable under Sections 4(1)(a), 4(1-A)(ii) of TNP Act in Crime No.347 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner is single accused and during surprise inspection by the respondent police, they caught hold the petitioner and seized 50 packets of I.D Arrack. Hence the complaint.

3. The contention of the petitioner is that the petitioner has been falsely implicated in this case. The alleged seizure is said to have been taken place during the period of curfew, when there was no movement of any people. The petitioner has been falsely implicated in this case and further the petitioner is in incarceration from 23.05.2021.

4. The learned Additional Public Prosecutor has submitted that the petitioner has in possession of 50 packets of I.D. Arrack, illegally. Hence the Additional Public Prosecutor objected to grant bail to the petitioner.

5. Considering the submissions and all the liquor bottles have been seized and taken into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner with the following conditions:

(a) the petitioner shall execute her own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) 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 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) On releasing, the petitioner shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation;

(d) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) the petitioner shall report before the respondent Police as and when required for interrogation.

(i) 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 petitioners 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].

(j) 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/-
07/06/2021

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,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, AMBUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
AMBUR TOWN POLICE STATION,
THIRUPATTUR DISTRICT.

CC to M/S.B.GOPALAKRISHNAN Advocate on payment of necessary charges

CRL OP.9932/2021

Date :07/06/2021

MK:08/06/2021

WEB COPY