

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.9966 of 2021

1.Vinoth
2.Ellappan

... Petitioners

Versus

State by rep. By
The Inspector of Police,
Sriperumbudur Police Station.
(Crime No.740 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioners on bail in Crime No.740 of 2021 pending before the respondent police.

For Petitioners : Mr.M.Karthik

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 27.05.2021 for the offences punishable under Sections 4(1) (g), 4(1) (aa), 4(1-A) of TNP Act in Crime No.740 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with one another accused person were found in possession of 85 liters of Poisonous Rectified Spirit and 110 liters of Concentrated spirit for manufacuring and selling the same to other innocent public in this pandemic situation.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the respondent police for statistical purpose have foisted the case against the petitioners. He would further submit that the petitioners are not committed any such offence and the petitioners are in judicial custody from 27.05.2021 and therefore, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are A1 and A2 and there is no previous case pending against these petitioners. The learned counsel further submitted that A3 has already been granted anticipatory bail by this Court in CrI OP No.9869 of 2021. The learned counsel further submitted that the material has been seized from the petitioners.

5. Taking into consideration the period of incarceration and the quantity seized from the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison, in which the petitioners have been confined on their release;

(b) the petitioners 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) 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;

(d) On releasing, the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 2 weeks and thereafter as and when required for interrogation;

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

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

(g) the petitioners shall not tamper with evidence or witness 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 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].

(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/-
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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, KANCHEEPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SRIPERUMBUDUR POLICE STATION.

CC to M/S.A.KALAI AZHAGAN Advocate on payment of necessary charges

CRL OP.9966/2021

Date :07/06/2021

MK:08/06/2021

WEB COPY