

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10393 of 2021

Sakthivel

... Petitioner

Vs.

State Rep by,
The Sub-Inspector of Police,
Sendurai Police Station,
Sendurai, Ariyalur District.
(Crime No.329 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.329 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.T.Saravanan

For Respondent : Mr.A. Gopinath
Government Advocate

ORDER

The petitioner who was arrested on 06.06.2021 and remanded to judicial custody for the offences under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act in Cr.No.329 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner was in possession of 1 liter of ID Arrack. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and has been in jail from 06.06.2021. **On instructions, learned counsel further submits that without prejudice to his defence and contentions, the petitioner, on his own volition, is ready to deposit Rs.25,000/- in favour of the District Medical Officer , Government Hospital, Ariyalur for treating Covid-19 patients. Therefore, he prays to grant bail to the petitioner.**

4. The learned Government Advocate(Crl side) opposed the grant of bail by stating that the petitioner was in possession of 1 liter of ID Arrack. He would further submit that investigation is almost completed.

6. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner have wilfully and on his own volition agreed to pay cost, as may be ordered by this Court and also considering the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner with the following conditions.

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Sub Jail, Perambalur , in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for like sum to the satisfaction of the learned **District Cum Judicial Magistrate, Sendurai.**

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) the petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) **in favour of the District Medical Officer for treating Covid-19 patients.** The said payments shall be made through NEFT/RTGS/Cash/Demand Draft and acknowledgement of payment shall be produced before the **District Cum Judicial Magistrate, Sendurai;** at the time of release on bail;

(e) 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;

(f)the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

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

(i)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;

(j)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

15/06/2021

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 DISTRICT CUM JUDICIAL MAGISTRATE,
SENDURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
SENDURAI POLICE STATION,
SENDURAI, ARIYALUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, PERAMBALUR.

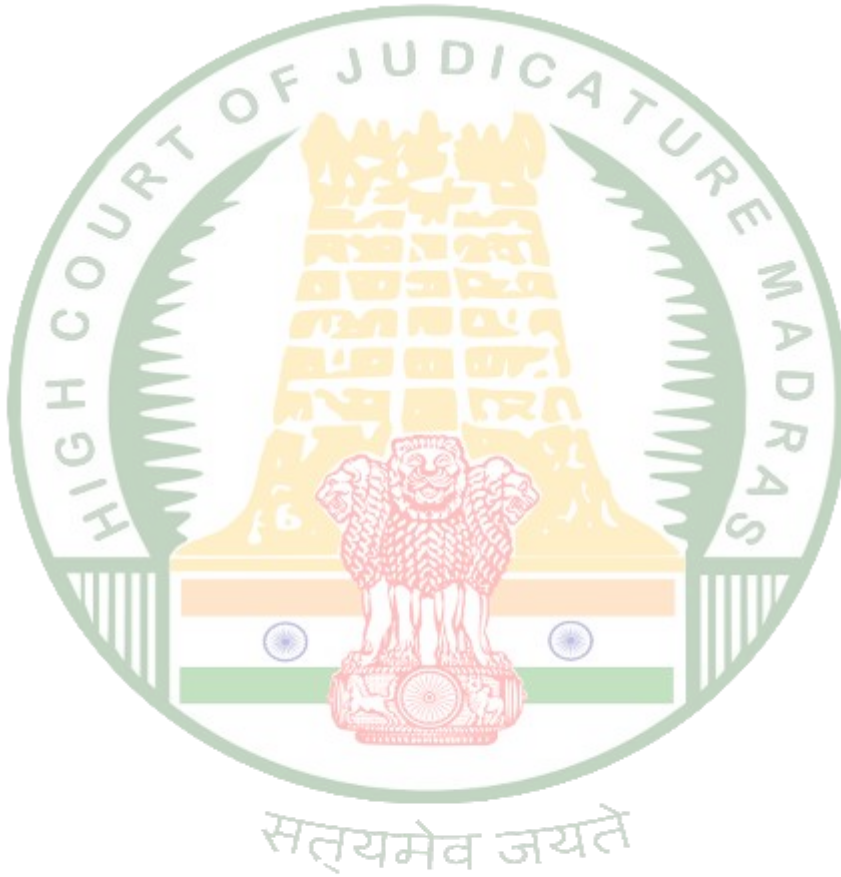
6 THE DISTRICT MEDICAL OFFICER,
GOVERNMENT HOSPITAL,
ARIYALUR.

CC to M/S C.T.SARAVANAN Advocate on payment of necessary
charges

CRL OP.10393/2021

Date :15/06/2021

TA-16/06/2021



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