

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10642 of 2021

Velusamy

... Petitioner

Vs.

The State represented by
The Inspector of Police,
PEW - Police Station, Tiruppur,
Tiruppur District.
Crime No.735 of 2021

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in connection with Crime No.735 of 2021 on the file of the respondent, PEW Police Station, Tiruppur, Tiruppur District.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.A.Gopinath
Government Advocate (CrI. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 10.06.2021 for the offence under Sections 4(1)(a) r/w 4(1-A) of TN Prohibition Act in Cr.No.735 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner was found in possession of 45 litres of toddy (palm wine).

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case. The learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.5,000/- to the Medical Officer/Dean, Government Hospital and Medical College, Dharapuram Main

Road, Velliangadu, Tiruppur, to enable the Medical Officer/Dean to use the aforesaid amount for the purpose of treating the Covid-19 patients.

4.The learned Government Advocate (Crl. Side) submitted that there is no previous case pending as against the petitioner.

5.Considering the facts and circumstances of the case and the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on 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 District Jail, Tiruppur District, 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 a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthukuzhi, Tiruppur District;

(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 weeks 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.5,000/- (Rupees Five Thousand Only) through demand draft drawn in favour of the Medical Officer/Dean, Government Hospital and Medical College, Dharapuram Main Road, Velliangadu, Tiruppur, to enable the Medical Officer/Dean to use the aforesaid amount for the purpose of treating the Covid-19 patients. The challan/receipt of such payment shall be produced at the time of executing the bond before the learned Judicial Magistrate, Uthukuzhi, Tiruppur District.

(e)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/-

21/06/2021

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, सत्यमेव जयते
UTHUKUZH, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE OFFICER INCHARGE
DISTRICT JAIL,
TIRUPPUR DISTRICT.

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4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PEW - POLICE STATION,
TIRUPPUR, TIRUPPUR DISTRICT.

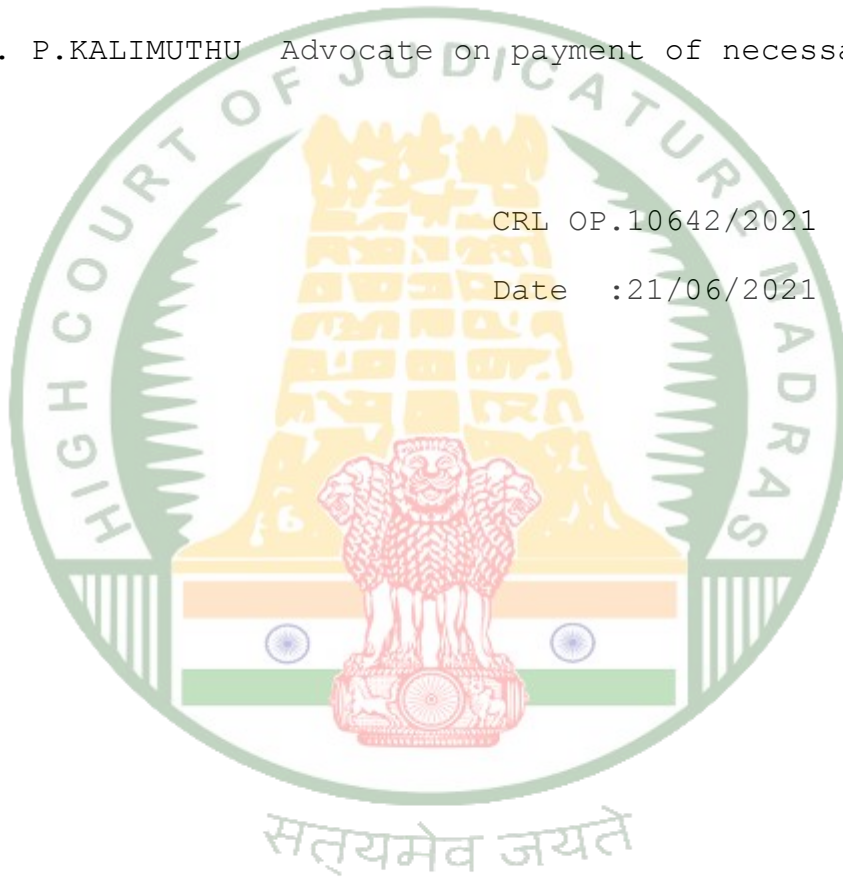
6 THE MEDICAL OFFICER/DEAN,
GOVERNMENT HOSPITAL AND MEDICAL COLLEGE,
DHARAPURAM MAIN ROAD,
VELLIANGADU, TIRUPPUR.

CC to M/S. P.KALIMUTHU Advocate on payment of necessary charges

CRL OP.10642/2021

Date :21/06/2021

cs 22/06/2021



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