



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.19517 of 2021

1.Dileep
2.Ramachandran

... Petitioners

Vs.

State by:-
The Inspector of Police [L & O],
P-6, Kodungaiyur Police Station,
Chennai.
Crime No.2607 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of CR.P.C., to enlarge the petitioners on bail pending investigation in Crime No.2607 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.Arun

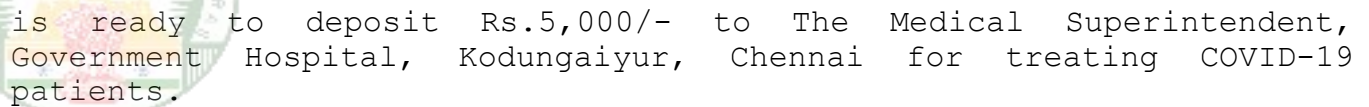
For Respondent : Mr.L.Baskaran,
Government Advocate (Crl. side)

ORDER

The petitioners who were arrested and remanded to Judicial custody on 29.09.2021 for the offences under Sections 273, 328 of IPC, Section 7, 9(ii) of TN Prohibition of Smoking and Spitting Act, Section 4(1)(a), 4(1-A) of TNP Act in Crime No.2607 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners are not in any way connected with any occurrence as alleged in the FIR. It was alleged that while routine checks of Police the petitioners were in possession of 20 - 180 ml brandy bottles which they are selling illegally, also was possession one Kilogram Mava, Cool lip, Hans Packets. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioners has been in jail from 29.09.2021. He further submits that without prejudice to his defence and contentions, the petitioners, on their own volition,



respondent s

5. Considering the period of incarceration suffered by the petitioners and there is no previous case pending against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned X Metropolitan Magistrate, Egmore, on condition that 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) either through RTGS/NEFT/Cash/Demand Draft in favour of "The Medical Superintendent/Authorised Officer, Government Hospital, Kodungaiyur" for the purpose of treating COVID-19 patients, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioners;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned X Metropolitan Magistrate, Egmore may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(d) the petitioners shall co-operate with the pending investigation and report before the Inspector of Police, Kodungaiyur Police Station daily at 10.00 a.m., until further orders.

(e) the petitioners shall not influence, threaten or coerce the witness either during investigation or trial;



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

(g) 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]; and;

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

-sd/-
12/10/2021

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 X METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

3 INSPECTOR OF POLICE
(LAW AN D ORDER),
P-6, KODUNGAIYUR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
SUB JAIL, PONNERI



6 THE MEDICAL SUPERINTENDENT/ AUTHORISED OFFICER,
GOVERNMENT HOSPITAL,
KODUNGAIYUR, CHENNAI

WEB COPY

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

CRL OP.19517/2021

Date :12/10/2021

APN 13/10/2021