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Crl.O.P.No.28466 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

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THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.28466 of 2023

D.K.Deepu S/o. Devaraj

... Petitioner/Accused-1

Vs.

The State represented by
The Inspector of Police,
PEW Steel Plant Police Station,
Salem District.

(Crime No.616 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.616 of 2023 on the file of
the respondent.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner/A1 seeks bail in Crime No.616 of 2021, registered by the respondent police for the offences punishable under Section 4(1)(aaa) & 4(1-A) of TNP Act and Section 7 of Tamil Nadu Rectified Spirit Rules, 2000. He had been remanded to Judicial Custody on 17.10.2023.

2.It must also be stated that after the lodgement of the complaint and registration of FIR, the petitioner appears to have absconded to Singapore of all the places, out of the country. The case could not proceed at all. Therefore, a lookout notice was issued and when he arrived back at Tiruvanandapuram Airport, he had been arrested.

3.The earlier application seeking bail in Crl.O.P.No.26275 of 2023 was dismissed on 20.11.2023. Now, it is stated that investigation has been completed and final report has also been filed and the same has been taken cognizance as PRC.No.13 of 2023 by the Judicial Magistrate, Vazhapadi, Salem District.



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4. Even though it is a fact that three of the accused are still absconding, taking into consideration the period of incarceration of this particular petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

5. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two fresh sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Vazhapadi, Salem District, and on further conditions that: -

[a] 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.

[b] the petitioner shall report before the Judicial Magistrate, Vazhapadi, Salem District, everyday at 10.30 a.m., till the date of committal and thereafter, appear before the concerned Sessions Court everyday at 10.30 a.m., to which the case is committed.



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[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate Court, Vazhapadi, Salem District.
- 2.The Inspector of Police,
PEW Steel Plant Police Station,
Salem District.
- 3.The Sub-jail, Salem District.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.



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