

CRL.O.P.No.15198 of 2016**S.VAIDYANATHAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 12.6.2016 for the alleged offence punishable under Sections 4(1)(aa) & 4(1-A) of Tamilnadu Prohibition Act in Crime No.284 of 2016 on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3. The case of the prosecution is that the petitioner is alleged to have been found in possession of 55 litres of ID arrack without licence. The case property has been seized.

4. Learned Government Advocate (Crl. Side) submitted that the petitioner has no previous case.

5. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is not involved in any previous case and his period of incarceration, this Court is of the view that custodial interrogation of the petitioner is not required, since he is in judicial custody from 12.6.2016. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) 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 Judicial Magistrate No.I, Attur.

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(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

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

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

(v) on breach of any of the aforesaid conditions, the 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 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]**.

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18.7.2016

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