

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice R. HEMALATHA

CRIMINAL ORIGINAL PETITION No.13069 of 2018

THOONDI @ BALAKRISHNAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,

SEMBANORKOIL POLICE STATION,

SEMBANORKOIL, NAGAPATTINAM DIST.

CR.NO.134 OF 2018

For Petitioner : M/S.C.T.SARAVANAN Advocate

For Respondent : MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 18.04.2018 for the offences punishable under Sections 4(1)(aaa) read with 4(1-A) of TNP Act in Crime No.134 of 2018 on the file of the respondent police, seeks bail. 2. Heard both sides.

3. The case of the prosecution is that the petitioner was found in possession of 110 litres of I.D arrack.

4. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case only for statistical purpose and that he has been in custody for more than 25 days and he prays to grant bail to the petitioner.

5. Per contra, the learned Government Advocate [Crl.Side] would submit that the entire case properties have been recovered. He would further submit that the petitioner is involved in 22 previous cases and he has also produced the list of the same.

6.A perusal of the report submitted by the learned Government Advocate [Crl.Side] shows that in some of the cases, Referred Charge Sheets have been filed. Considering the facts and circumstances of the present case, I am inclined to grant bail to the petitioner subject to the following conditions:

7.The petitioner is ordered to be released on bail on his executing 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 No.2, Mayiladuthurai and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

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

[d] 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]**.

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

-sd/-
16/05/2018

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,
NO.2, MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, MAYILADUTHURAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SEMBANORKOIL POLICE STATION,
SEMBANORKOIL, NAGAPATTINAM DIST.

+1 CC to M/S.C.T.SARAVANAN Advocate on payment of necessary
charges-Sr.9177

CRL OP.13069/2018

Date :16/05/2018

ths : 16.05.2018