

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.16857 of 2020

Sudhakar

... Petitioner

Vs.

The State rep. By
The Inspector of Police,
Kottur Police Station,
Thiruvarur District.
(Crime No.1317/2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1317 of 2020 on the file of the respondent police.

For Petitioner : Mr.Swamisubramanian
For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 02.10.2020 for the offences punishable under **Sections 4 (1) (a), r/w, 4(1-A) of TNP Act**, in Crime No.1317 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 02.10.2020 at about 10 a.m., when the Sub Inspector of Police along with his police party was on patrol duty, the petitioner was found in illegal possession of 6 liters of Pandy arrack.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration from 02.10.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was found in illegal possession of 6 liters of Pundy arrack. He would further submit that there is no previous case against the petitioner. However, he would oppose for grant of bail.

5.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and the fact that there is no previous case against the petitioner and also considering the period of incarceration suffered by the petitioner from 02.10.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) 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 sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Mannargudi, Thiruvarur District**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
28/10/2020

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.II,
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOTTUR POLICE STATION,
THIRUVARUR DISTRICT.

5 THE JAILER,
DISTRICT PRISON, NAGAPATTINAM.

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

CRL OP.16857/2020

सत्यमेव जयते Date :28/10/2020

TA-29/10/2020

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