

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5969 of 2021

Ganesan

... Petitioner

Vs.

State Rep. by

... Respondent

The Inspector of Police,
Ayilpatty Police Station,
Namakkal Dt.
(Crime No.126 of 2021)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.126 of 2021 on the file of respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is the sole accused. The petitioner, who was arrested and remanded to judicial custody on 01.03.2021 for the offence punishable under Sections 4(1)(a), 4(1-A) of TNP Act in Crime No.126 of 2021, seeks bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police was on regular patrolling, the petitioner was found in possession of 9 quarter brandy bottles illegally. Hence, a criminal case was registered against the petitioner. Accordingly, he was arrested and remanded to judicial custody on 01.03.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that he is an innocent person and he has been falsely implicated in the present case. He would submit that he has no bad antecedents and he is in custody from 01.03.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in possession of 9 quarter brandy bottles illegally. She would submit that the petitioner is not having any bad antecedents. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the petitioner was found in possession of 9 quarter brandy bottles, he has no previous bad antecedents and also considering the period of incarceration suffered by the petitioner from 01.03.2021, 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, Rasipuram** 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, on his release from prison, shall report before the respondent police daily at 10.30 a.m. for the period of two weeks and thereafter as and when required for interrogation ;**

(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/-
25/03/2021

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 JUDICIAL MAGISTRATE,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AYILPATTY POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.4032

सत्यमेव जयते

CRL OP.5969/2021

Date :25/03/2021

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