

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01..04..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.6470 of 2021

Suresh

... Petitioner

-versus-

State Rep. by
the Inspector of Police,
Namakkal Police Station,
Namakkal District.
[Crime No.446 of 2021]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.446 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr. R.Nalliyappan

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.03.2021 in connection with a case registered in CrimeNo.446 of 2021 for the offence punishable u/s 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, seeks bail.

2. The allegation is that the petitioner was found in possession of 11 bottles of Indian Made Foreign Liquor (IMFL).

3. The learned counsel for the petitioner petitioner submitted that the petitioner is innocent of alleged offence and the case has been foisted falsely. The learned counsel further submitted that the petitioner has been in custody for the last 20 days and he is ready to abide by any conditions that may be imposed by this court in the event of granting bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the petition for bail stating that investigation is pending. He however submitted that there is no previous case registered against the petitioner.

5. The substantial part of the investigation is over with the seizure. There is no bad antecedent reported as against the petitioner. Having regard to the nature of the offences alleged and the fact that

the petitioner has been in incarceration fore the last 20 day and on considering the other facts and circumstances of the case, this court is inclined to grant bail to the petitioner subject to the following conditions. Considering the said facts and circumstances of the case and the fact that co-accused in this case have been released on bail and also considering the period of incarceration suffered by the petitioner, 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-I, Namakkal, 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 as and when required by the police 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.

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

-sd/-

01/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE-I,
NAMAKKAL, NAMAKKAL DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

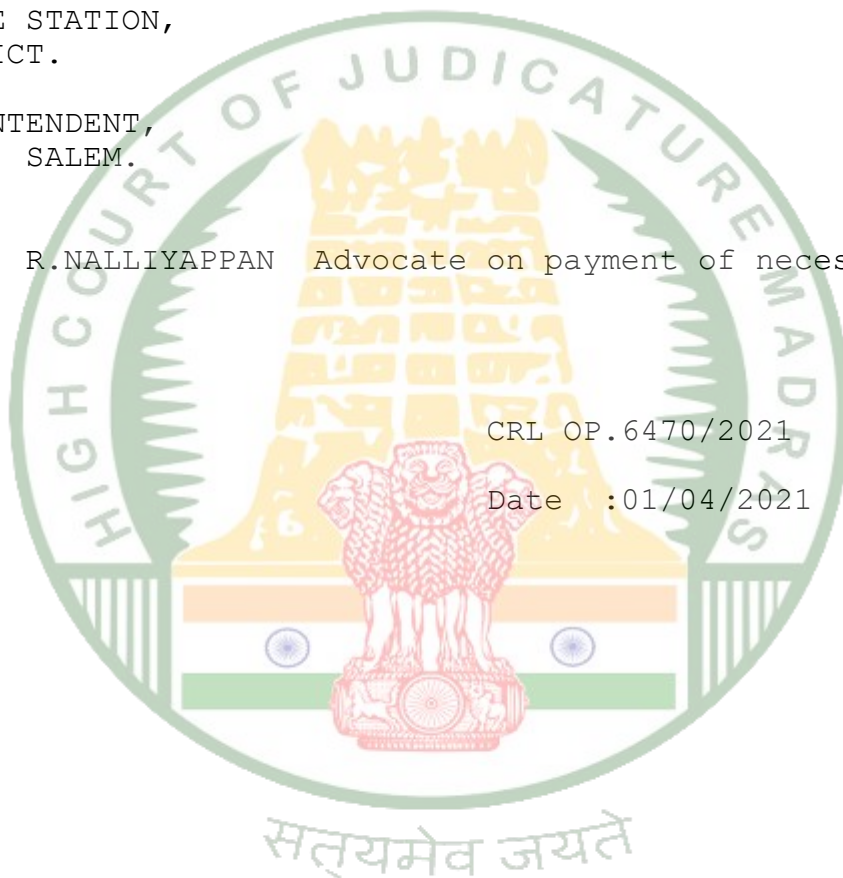
5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.6470/2021

Date :01/04/2021

MN-07/04/2021



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