

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

CrI.O.P.No.8605 of 2021

1. Nataraj
2. Panjamoorthy

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
PEW Uthangarai Police Station,
Krishnagiri District.
(Crime No.171 of 2021).... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.171 of 2021 on the file of the Respondent Police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.Charles Premkumar,
Government Advocate

O R D E R

(The case has been heard through video conference)

Heard the learned Counsel on either side.

2. The petitioners are in custody since 10.04.2021 for the offences under Sections 4(1)(aaa), 4(1-A) of TNP Act in Crime No.171/2021 on the file of the respondent.

3. The petitioners are said to have been in possession of 1500 litres of illicit arrack.

4. The learned Government Advocate strongly opposes to grant bail. He would state that the 2nd petitioner is having one previous case.

5. Be that as it may, the continued incarceration of the petitioner will not serve any purpose. Hence, bail is granted to the petitioners subject to the following conditions that

(a) the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthangarai 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 petitioners shall report before the respondent police every day at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation ;

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

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

(f) the petitioners 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; and

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

सत्यमेव जयते

-sd/-

05/05/2021

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,
UTHANGARAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PEW UTHANGARAI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

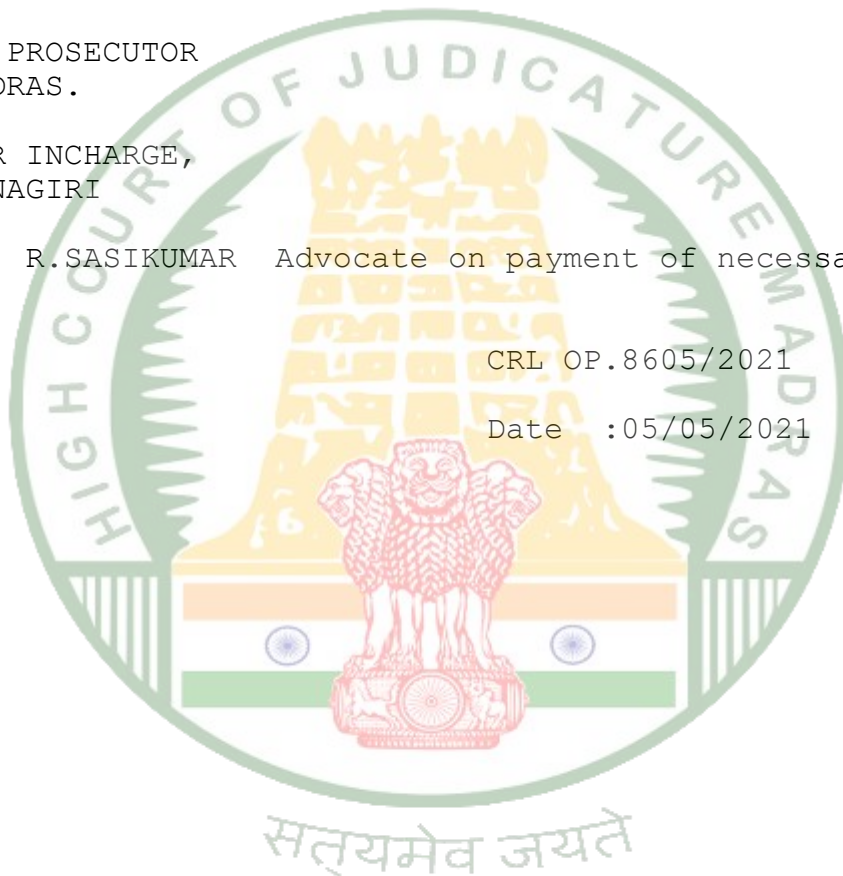
5 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI

CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges
Sr.5817

CRL OP.8605/2021

Date :05/05/2021

RVR 06/05/2021



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