

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2021

CORAM

THE HONOURABLE MR.JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.9194 of 2021

Prabu

...Petitioner

Versus

State represented by
The Inspector of Police,
V-6, Kolathur Police Station,
Kolathur, Chennai.
(Crime No.114 of 2021)

...Respondent

Criminal Original Petition is filed under Section 439 of Cr.P.C
praying to enlarge the petitioner on bail in connection with the case in
Crime No.114 of 2021 pending investigation on the file of the
respondent/police.

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For Petitioner : Mr.M.Muneeswaran

For Respondent : Mr.S.Karthikeyan,
Addl. Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 25.04.2021 for the alleged offences punishable under Sections 4(1)(aa), 4(1(i) and 4(1-A) of the Tamil Nadu Prohibition Act in Crime No.114 of 2021 pending on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioner was in possession of 954 bottles of liquor worth about Rs.34,500/- and therefore, this case came to be filed.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent strongly opposed this bail petition on the ground that the petitioner was in possession of 954 bottles of liquor.

5. Taking into consideration the facts and circumstances of the case and also the fact that he is in judicial custody since 25.04.2021, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this criminal original petition is allowed and bail is granted to the petitioner on the following conditions:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) as non-refundable deposit to the credit of Chief Minister Relief Fund by way of Demand Draft or through Electronic Clearing System (ECS) ;

(b) after such deposit the petitioner is ordered to be released on bail, on he executing a personal 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 **13th Metropolitan Magistrate, Egmore, Chennai**;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders;

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

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

(f) on breach of any of the aforesaid conditions, the learned Magistrate Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***; and

(g) if the petitioner/accused thereafter absconds a fresh FIR can be registered under Section 229A IPC.

13.05.2021

nsd

Note: Issue Order copy on 13.05.2021

G.CHANDRASEKHARAN, J.,

nsd

To

- 1.The 13th Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
V-6, Kolathur Police Station,
Kolathur, Chennai.
- 3.The Superintendent of Prison,
Sub-Jail, Saidapet.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

Crl.O.P.No.9194 of 2021

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13.05.2021