

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATE : 19.06.2021**

**CORAM**

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

**CRL. O.P. NO. 10725 OF 2021**

Jayaseelan  
S/o Madhavan

.. Petitioner

- Vs -

State Rep. by  
The Inspector of Police  
Sankar Nagar Police Station  
Chennai.  
(Crime No.398 of 2021)

.. Respondent

Criminal Original petition has been filed under Section 439 of Cr.P.C, praying to enlarge the petitioner on bail in connection with the case in Crime No.398 of 2021 on the file of the respondent Police.

For Petitioner : Mr. V.Manimaran

For Respondent : Mr. Gopinath, GA (Crl. Side)

**ORDER**

The petitioner, who was arrested on 18.06.2021 by the respondent police for the offences under 4 (1) (aa), 4 (1) (g), 4 (1-A) of T.N.P. Act in Crime No.398 of 2021 and remanded to judicial custody, seeks bail.

2. The case of the prosecution is that the petitioners were found in possession of 50 litres of ID Arrack and the same was seized by the respondent Police and registered a complaint.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and further the marriage of the petitioner's daughter is fixed on 21.06.2021 and, therefore, he submits that this Court may grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner was found in possession of 100 litres of ID Arrack and there is no previous case pending as against the petitioner.

5. Considering the fact that the marriage of the petitioner's daughter is fixed on 21.06.2021, this Court is inclined to grant bail to the petitioners subject to the following conditions:

- (a) the petitioner shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the

Superintendent, Sub Jail, Ponneri, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute separate bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Tambaram;

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four weeks therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law.

Failing filing of any such application within the time prescribed above, the bail granted by this Court would

stand automatically vacated.

(e) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(f) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders, except on 23.06.2021, the date on which the petitioner's daughter is getting married;

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

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

(i) on breach of any of the aforesaid conditions, the learned 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];*** and

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

**19.06.2021**

Index : Yes/No

Internet : Yes/No

GLN

To

1. The Superintendent of Prison  
Sub Jail, Ponneri.
2. The Judicial Magistrate – II  
Tambaram.



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**M.DHANDAPANI, J.**

**GLN**



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