



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.21057 of 2021

Chinnadurai

.. Petitioner

Vs.

The State Rep.by the
Sub-Inspector of Police,
Bagayam Police Station,
Vellore, Vellore District.
CRIME.NO.384/2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to release the petitioner on bail in Crime No.384 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.C.Anbu

For Respondent : Mr.N.S.Suganthan
Government Advocate

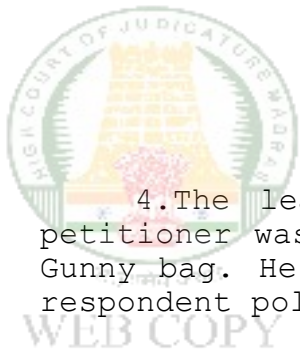
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 14.09.2021 for the offences under Sections 4(1)(aaa) and 4(1-A)(ii) of TN Prohibition Act in Crime No.384 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police was on regular raid, they found that the petitioner was in possession of 30 bottles of TASMAL Liquor in Gunny bag. . Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner is aged about 60 years and that he has been suffering incarceration for more than 20 days from 19.10.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that petitioner was in illegal possession of 30 bottles of TASMAL Liquor in Gunny bag. He further submits that the said liquor was seized by the respondent police.

5. Considering the period of incarceration suffered by the petitioner and also considering the submissions made by both counsel and also the fact that the liquor was seized, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Vellore and on further condition that:

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders ;

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

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

(e) 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;

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

-sd/-
10/11/2021

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-I,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE DISTRICT (FOR INFORMATION).

3 THE SUB-INSPECTOR OF POLICE,
BAGAYAM POLICE STATION,
VELLORE, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, THORAPADI.

+1 CC to M/S. C.ANBU Advocate on payment of necessary charges
SR.NO.12598

CRL OP.21057/2021

Date :10/11/2021

INBA-10/11/2021