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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

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

Cr1.O.P.No.21998 of 2021

Ravichandiran

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Komaralingam Police Station,
Tiruppur.
(Crime No.477 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.477 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.N.S.Suganthan
Govt. Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 28.10.2021 for the offences under Sections 4(1)(a) & 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.477 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 28.10.2021 when the respondent police was conducting raid, the petitioner was found in illegal possession of 26 bottles of illicit arrack. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he have been falsely implicated in this case and that the petitioner has been in jail from 28.10.2021. However, on instructions, the learned counsel further submitted that the petitioner, without prejudice to his rights, on his own volition, is ready and willing to contribute a sum of Rs.5,000/- to the Tamil Nadu Advocates Clerks Association, Chennai. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate appearing for the respondent raised objection stating that the petitioner was found in illegal possession of 26 bottles of illicit arrack. He further submitted that there are 10 previous cases pending against the petitioner.

5. Considering the period of incarceration suffered by the petitioner and the fact that investigation is almost completed, 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 their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Madathukulam, and on further condition that:

(a) the petitioner shall make a non-refundable deposit of Rs.5,000/-, by way of demand draft to the Tamil Nadu Advocates Clerks Association, Chennai, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(b) 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;

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

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

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

(f) 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;



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

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-sd/-
22/11/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
MADATHUKULAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KOMARALINGAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE TAMIL NADU ADVOCATES CLERKS ASSOCIATION,
HIGH COURT, MADRAS.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to J.FRANKLIN Advocate on payment of necessary charges

CRL OP.21998/2021

Date :22/11/2021

CSK 23/11/2021