



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

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

Crl.O.P.No.108 of 2022

AMMASI

...Petitioner

Vs.

State rep. by,
Inspector of Police,
Poolampatty Police Station,
Salem District.
Cr. No.345/2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.345 of 2021 on the file of the respondent police.

For Petitioner : Mr.B.Muneeswaran

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.12.2021 for the offences under Sections 4(1)(a), 4(1-A), 4(1)(i) of TNP Act, in Crime No.345 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.12.2021, when the respondent police officials were on their routine vehicle check, found the petitioner in possession of 29 bottles of Black Pear Brandy Bottles which is worth about Rs.4,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he is no way connected with the alleged offence and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for about 30 days and hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner is the sole accused he was found in possession of 29 bottles of brandy bottles worth about Rs.4,000/- but admits that there is no previous case against the petitioner and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that there is no previous case against the petitioner and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate cum District Magistrate, Edappady, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) 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];



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

WEB COPY

-sd/-

06/01/2022

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 CUM
DISTRICT MAGISTRATE,
EDAPPADY, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
POOLAMPATTY POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to MR.B.MUNEESWARAN
charges

Advocate on payment of necessary

CRL OP.108/2022

Date :06/01/2022

RW 07/01/2022