



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

WEB COPY

CORAM:

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

Cr1.O.P.No.122 of 2022

Sugu @ Sukumar @ Sugumaran

...Petitioner

Vs.

State Rep. by
Station House Officer,
Kattumannarkoil Police Station,
Cuddalore District.
(Crime No.395 of 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.395 of 2021 on the file of the Station House Officer, Kattumannarkoil Police Station, Cuddalore District.

For petitioner : Mr.M.R.Elavarasan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

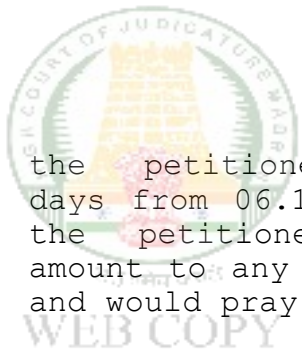
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 06.12.2021 for the offences under Sections 4(1)(a), 4(1A) TN Prohibition Act, in Crime No.395 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.06.2021 at about 16.00 hrs., the respondent police parties were engaged on their regular patrol duty and on seeing them, the petitioner ran away from the place leaving behind a white jute sack and on searching the same, the respondent police found 10 litres of 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 has been falsely implicated in this case. He would further submit that



the petitioner has been suffering incarceration for more than 40 days from 06.12.2021. However on instructions, he would submit that the petitioner on his own volition ready to deposit a substantial amount to any charitable institute as may be directed by this Court and would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner is the sole accused and he has got 16 previous cases but admits that the investigation is almost completed.

5. Considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand Only), to the credit of Dharma Salai, Vallalar Sathiyagnana Sabai, Vadalur, Cuddalore District without prejudice to his rights and contentions.

6. It is made clear that the deposit of the amount by the petitioner to the said Charitable Institute would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the facts and circumstances of the case and the fact that 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 directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Dharma Salai, Vallalar Sathiyagnana Sabai, Vadalur, Cuddalore District, by way of demand draft and on production of proof for the same, 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), before the learned District Munsif Cum Judicial Magistrate, Kattumannarkoil, 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;



3 THE STATION HOUSE OFFICER,
KATTUMANNARKOIL POLICE STATION,
CUDDALORE DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, CHIDAMBARAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE DHARMA SALAI,
VALLALAR SAHIYAGNANA SABAI,
VADALUR, CUDDALORE DISTRICT.

+1CC to M/S.M.R.ELAVARASAN Advocate on payment of necessary
charges SR.No.890

CRL OP.122/2022

Date :20/01/2022

CSK 21/01/2022