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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Crl.O.P.No.2606 of 2022

Venkatachalam

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Thalaivasal Police Station,
Salem District.
(Crime No.15 of 2022)

... 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.15 of 2022 on the file of Thalaivasal Police Station, Salem District.

For Petitioner : Mr.T.Ganesan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 11.01.2022 for the offences under Section 4(1) (aaa), 4(1)(g) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.15 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police was on regular patrol, they found that the petitioner along with others were in illegal possession of 120 litres of ID arrack and on enquiry, they came to know that they were also prepared 110 litres of wash. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 23 days from 11.01.2022. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor raised objection stating that the petitioner along with others were in illegal possession of 120 litres of ID arrack and on enquiry, they came to know that they were prepared 110 litres of wash. He further submits that the investigation was almost completed.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only), to the Registered Advocate Clerks Association, Salem District and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Metropolitan Magistrate-II, Attur, 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 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 Wednesday at 10.30 a.m. until further orders;

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

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

(h) 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 has been imposed and the petitioner is 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;



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

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-sd/-
04/02/2022

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,
NO.II, ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

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

4 THE OFFICER INCHARGE,
DISTRICT JAIL, ATTUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED
ADVOCATE CLERK ASSOCIATION,
SALEM DISTRICT.

CC to M/S.T.GANESAN Advocate on payment of necessary charges

CRL OP.2606/2022

Date :04/02/2022

CSK 07/02/2022