



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2824 of 2022

Ponnuraj

...Petitioner

Vs.

The State rep by
The Inspector of Police,
PEW Hosur Police Station
Krishnagiri District.
(Crime No.02 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.02 of 2022 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

For Respondent : Ms.G.V.Kasthuri
(Additional Public Prosecutor)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 08.01.2022 for the offences under Sections 4(1)(aaa), 4(1)(h) r/w 4(1-A) of TNP Act and Sections 420, 468, 471 and 255 of IPC in Crime No.02 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 121.5 litres of liquor bottles without any valid permission. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the co-accused in this matter has been released on bail by this Court in Cr1.O.P.No.588 of 2022 by order dated 12.01.2022 and the petitioner has been suffering incarceration for 30 days from 08.01.2022 onwards. Hence, would pray for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police fairly conceded that the properties which are necessary for completing the investigation are recovered.

5. The submissions made by the learned Counsel on either side is considered.

6. Taking into consideration of the fact that the material objects which are necessary for completing the trial are recovered, also for the reason that the petitioner is in judicial custody from 08.01.2022, 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 No.II, Hosur, 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 Tuesday 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

07/02/2022

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, HOSUR, KRISHNAGIRI DISTRICT.

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

3 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

4 THE INSPECTOR OF POLICE,
PEW HOSUR POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S J.PRADEEP Advocate on payment of necessary charges

CRL OP.2824/2022

Date :07/02/2022

RW 08/02/2022