



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.2657 of 2022

Balendra Singh

... Petitioner

Vs.

State

Inspector of Police,
Valathy Police Station,
Villupuram District.
(Crime No.244 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.244 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Sasi Kumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 29.12.2021 for the offences under Section 4(1) (aaa), 4(1-A) 5, 7(a) of of Tamil Nadu Rectified Spirit Rules 2000 Act and Section 328, 120(b), 465, 468 of IPC in Crime No.244 of 2021, 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 were on regular patrol, they found that the petitioner along with others had illegally transported 21000 litres of spirit in a lorry. 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 36 days from 29.12.2021. He further submits that co-accused were enlarged on bail by the Sessions Court. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.20,000/- 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 petitioner along with others had illegally transported 21000 litres of spirit in a lorry. 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.20,000/- 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.20,000/- (Rupees Twenty thousand only), to the Tamil Nadu Advocate Clerk Association, Chennai 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 Judicial Magistrate, Gingee, 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 everyday at 10.30 a.m for a period of two months;

(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.

-sd/-

04/02/2022

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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,
GINGEE.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
VALATHY POLICE STATION,
VILLUPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

6 TAMILNADU ADVOCATE CLERK ASSOCIATION,
CHENNAI.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary
charges SR.NO.1994

CRL OP.2657/2022

Date :04/02/2022

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