



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3402 of 2022

Thiruppathi

...Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District.
(Crime No.28 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying enlarge the petitioner on bail in Crime No.28 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.01.2022 for the offences punishable under Sections 4(1)(a) 4(1-A) of T.N.P.Act in Crime No.28 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.01.22, the petitioner was found in possession of illicit 17 brandy bottles each contains 180 M.L. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case and he is in judicial custody from 20.01.2022 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits that, the contraband which was transported during the time of occurrence was recovered by the Investigation Officer.

5. The submissions made by the learned counsel appearing on either side are considered.

6. It seems that the respondent police registered a case as against the petitioner for the offence punishable under Sections 4(1) (a) 4(1-A) of T.N.P.Act and as of now, the material objects (contraband), which is necessary for completing the investigation are all recovered by the respondent police. Hence, the custodial interrogation of the petitioner may not be necessary for completing the investigation in this case. Further, the petitioner is in judicial custody from 20.01.2022 onwards. Therefore, considering the nature of the offence, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Arakkonam.

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

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

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



(v) 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 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].

-sd/-

11/02/2022

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ARAKKONAM TALUK POLICE STATION,
RANIPET DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, WALAJAPET.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.PRATHAP KUMAR Advocate on payment of necessary charges SR.No.2269

CRL OP.3402/2022

Date :11/02/2022

CSK 11/02/2022