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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.4429 of 2022

Sandhosam

... Petitioner / A-7

versus

State rep. by
The Inspector of Police,
Gangavalli Police Station,
Salem District.
(Crime No.279 of 2021)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in Crime No.279 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Karuppaiya Mooppanar

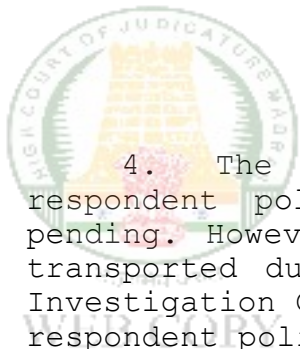
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner/A-7, who was arrested and remanded to judicial custody on 04.01.2022 for the offences punishable under Sections 4(1) (aaa), 4(1-A) of Tamil Nadu Prohibition Act in Crime No.279 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.10.2021, the petitioner along with other accused were found in possession of 150 litres of ID Arrack. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner is the bread winner of the family and she is in judicial custody from 04.01.2022 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 relevant of point, are all recovered by the Investigation Officer and as of now, the same is in the custody of the respondent police. She would further submit that the petitioner is the first time offender.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case as against the petitioner for the offences punishable under Sections 4(1) (aaa), 4(1-A) of Tamil Nadu Prohibition 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 the first time offender and she is in judicial custody from 04.01.2022 onwards. Therefore, considering the nature of the offence, this Court is inclined to grant bail to the petitioner subject to certain conditions.

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

(a) 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 No.II, Attur, Salem;

(b) 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;

(c) the petitioner is directed to appear before the respondent police daily at 10.00 a.m., for a period of 15 days and thereafter, as and when required for interrogation.

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

(e) 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];



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

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-sd/-
23/02/2022

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, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.KARUPPAIYAMOOPPANAR Advocate on payment of
necessary charges SR.NO.2834

CRL OP.4429/2022

Date :23/02/2022

JPA 24/02/2022