



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

WEB COPY

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.9594 of 2022

Saroja

.. Petitioner

Vs.

The State of rep. by
The Inspector of Police,
Deevattipatti Police Station,
Salem District.
(Crime No.160 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.160 of 2022, on the file of the respondent police.

For Petitioner : Mr.C.Deepak Kumar

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

ORDER

The petitioner, who was arrested on 31.03.2022 for the offences punishable under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.160 of 2022, on the file of the respondent police, seeks bail.

2.The petitioner, who is a habitual bootlegger, was found in possession of 26 bottles of Rum, each 180 ml. He was arrested on 31.03.2022.

3.Learned Additional Public Prosecutor appearing for the respondent states that the petitioner is a habitual bootlegger having 45 cases against him.



4.Learned counsel for the petitioner states that those cases are very old matters and as on the date of 31.03.2022, nothing was recovered from this petitioner and the case has been falsely foisted against him.

5.Taking note of the period of incarceration and quantity of IMFL, this Court is inclined to grant bail to the petitioner. 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.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Omalur;

(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 Investigating Officer daily at 10.30 a.m., until further orders;

(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.

-sd/-
27/04/2022

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,
OMALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

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

4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary
charges

CRL OP.9594/2022

Date :27/04/2022

JPA 28/04/2022