



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.05.2022

CORAM:

THE HON'BLE Mr. JUSTICE A.A.NAKKIRAN

CrI.O.P.No.10882 of 2022

S.Ravi

... Petitioner

Vs.

State Rep.by
Inspector of Police,
Tiruvarur Taluk Police Station,
Tiruvarur.
(Crime No.156 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/Accused on bail Crime No.156 of 2022, pending on the file of the respondent police.

For Petitioner : Mr.L.Ramu

For Respondent : Mr.A.Gopinath
Government Advocate (CrI.side)

ORDER

The petitioner who was arrested on 26.04.2022 for the offence punishable under Sections **4(1)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.156 of 2022**, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 26.04.2022, when the respondent police was on their routine check up, they found the petitioner was in illegal possession of 110 liters of Pondy Arrack. Hence the complaint.

3.Learned counsel for the petitioner would submit that the petitioner was innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration from 26.04.2022. Accordingly prays for grant of bail to the petitioner.



4.Learned Government Advocate (Crl.side) appearing for the respondent police would vehemently oppose stating that the petitioner is a habitual offender and he has twenty previous cases of similar nature and out of them ten cases have been disposed and charge sheets have been filed and taken on file by the concerned Magistrate for seven and other three cases are pending investigation. He would further submit that the Goondas proposal is also pending against the petitioner.

4.Considering the fact that the learned Government Advocate (Crl. Side) has not filed any status report in this regard, 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, Tiruvarur;**

(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 report before the respondent police once in two weeks 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/-

11/05/2022

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,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVARUR TALUK POLICE STATION,
THIRUVARUR.

5 THE OFFICER INCHARGE
SUB JAIL, NAGAPATTINAM.

+1 CC to M/S L.RAMU Advocate on payment of necessary charges
SR.NO.6907

CRL OP.10882/2022

Date :11/05/2022

TA-11/05/2022