



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2022

CORAM:

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

Crl.O.P.No.11157 of 2022

Prabakaran

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
Gangavalli Police Station,
Salem District,
(Crime No.84 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to order enlarge the Petitioner on bail in Crime No.84 of 2022 on the file of the respondent.

For Petitioner : Mr.K.Karuppiaya Mooppanar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner was arrested on 24.03.2022 for the offence punishable under Sections 4(1)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.84 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, when the respondent police was on their usual rounds, they found the petitioner was in possession of 110 liters of I.D.Arrack illegally and the same was seized by the respondent police. Hence the complaint.

3.Learned counsel for the petitioner would submit that the petitioner is innocent and there is no specific overt act against the petitioner and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration from 24.03.2022. 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 was illegally in possession of 110 lites of I.D. Arrack. He added that the petitioner is having two previous cases of similar nature in Crime No.74 of 2022 and Crime No.279 of 2022.

5.Considering the fact that the learned Government Advocate (Crl. Side) has not furnished any particulars or status report about the previous cases pending against the petitioner and also considering the period of Incarceration, 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 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 report before the respondent police once in a month 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.

WEB COPY

-sd/-
12/05/2022

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,
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.7028

CRL OP.11157/2022

Date :12/05/2022

JPA 12/05/2022