



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11446 of 2022

SUDHA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
P4 BASIN BRIDGE POLICE STATION,
CHENNAI
(CRIME NO.156 OF 2022)

[RESPONDENT]

For Petitioner : M/S.V.DINESH KUMAR Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 14.03.2022 for the alleged offence under Section 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act and Section 328 IPC in Crime No.156 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 12 bottles of brandy and 100g of mavas (prohibited tobacco substance).

3. Learned Government Advocate (Criminal Side) submitted that there are 14 previous cases against the petitioner and four of those cases are of similar nature.

4. Learned counsel for the petitioner submitted that the petitioner has already suffered incarceration for nearly 63 days and it was further contended that false cases are foisted against the petitioner.



5. Taking into consideration the facts and circumstances of the case and the fact that the petitioner has already suffered 63 days of incarceration and the final report is yet to be filed, the petitioner will be entitled for a statutory bail. In view of the same, this Court is inclined to enlarge the petitioner on bail subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned X Metropolitan Magistrate, Egmore, Chennai, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 5.30 p.m, until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
18/05/2022

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 METROPOLITAN MAGISTRATE,
NO.X, EGMORE CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE EGMORE CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P4 BASIN BRIDGE POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL 2 CHENNAI

+1 CC to M/S.V.DINESH KUMAR Advocate on payment of necessary
charges SR.No. 7264

CRL OP.11446/2022

Date :18/05/2022

SP(19/05/2022)