



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.11439 of 2022

MANI @ SANANMANI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
KACHIRAPALAYAM POLICE STATION,
KALLAKURICHI
(CRIME NO.553/2021)

[RESPONDENT]

For Petitioner : M/S.K.NIVESH 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 15.03.2022 for the alleged offence under Sections 4(1)(A), 4(1)(a) and 4(1)(g) of Tamil Nadu Prohibition Act in Crime No.553 of 2021 on the file of the respondent police, seeks bail.

2. The earlier bail petition filed by the petitioner was dismissed by this Court on 22.04.2022 by considering the antecedents of the petitioner and since the petitioner was a habitual offender.

3. Learned Government Advocate (Criminal Side) submitted that the petitioner was found in possession of 30 litres of ID arrack and 1500 litres of fermented wash. Learned Government Advocate (Criminal Side) further submitted that there are no change in circumstances and hence the present bail petition is liable to be dismissed by this Court.

4. Learned counsel for the petitioner submitted that the petitioner is in incarceration for more than 60 days and till date no final report has been filed. Learned counsel therefore submitted that the petitioner will be entitled for statutory bail since the offence is punishable with imprisonment which extends to three years.



5. Taking into consideration the facts and circumstances of the case and also the fact that the final report has not been filed till date and the petitioner is in incarceration for more than 60 days, the petitioner will be entitled for 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 Judicial Magistrate No.I, Kallakurichi, 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 6.00 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 JUDICIAL MAGISTRATE,
NO.I, KALLAKURICHI



2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
KACHIRAPALAYAM POLICE STATION,
KALLAKURICHI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB COURT, ULUNDURPET

CC to M/S.K.NIVESH KUMAR Advocate on payment of necessary
charges SR.7240

CRL OP.11439/2022

Date :18/05/2022

RVR 18/05/2022