



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12360 of 2022

PANDIYAMMAL @ CHINNA PANDIYAMMAL [PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT/COMPLAINANT]
THE INSPECTOR OF POLICE,
P.E.W NAGAPATTINAM,
NAGAPATTINAM DISTRICT.
(CRIME NO.641 OF 2022)

For Petitioner : M/S.J.JAWAHAR Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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 07.05.2022 for the alleged offence under Sections 4(1)(i), 4(1)(aaa), r/w 4(1-A) of TNP Act in Crime No.641 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 110 litres of ID Arrack. Hence, the respondent police seized the material and arrested the accused.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor submitted that there are two previous cases pending against the petitioner. Hence, he opposed for granting bail to the petitioner.



5. Taking into consideration of the facts and circumstances of the case and also considering the fact that the petitioner has already suffered incarceration for nearly 18 days, this Court is inclined to grant bail to the petitioner subject to 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.1, Nagapattinam 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 as and when required for interrogation.

[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/-

25/05/2022

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.



1 THE JUDICIAL MAGISTRATE,
NO.I, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
P.E.W NAGAPATTINAM,
NAGAPATTINAM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL (WOMEN), THIRUVARUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.J.JAWAHAR Advocate on payment of necessary charges
SR.No.7837

CRL OP.12360/2022

Date :25/05/2022

CSK 25/05/2022