



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.NIRMALKUMAR
CRIMINAL ORIGINAL PETITION No.12496 of 2022

THANGAM

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
KOLATHUR POLICE STATION,
SALEM DISTRICT
CRIME NO.136/2022

[RESPONDENT]

For Petitioner : M/S.M.SENTHIL KUMAR Advocate

For Respondent : M/S. 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 02.05.2022 for the alleged offences under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act and 21(b)(ii)(A) of NDPS Act in Crime No.136 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, on 02.05.2022, when the respondent Police raided on Korappallam area, the petitioner was found in possession of 180 ml of Bangalore Whisky 30 Bottles and one Litre Plastic Bottle Karnataka Liquor and Ganja leaves flower of 250 grams. Hence, the respondent Police registered a case in Crime No.136 of 2022 against the petitioner for the aforesaid offences.

3.The learned counsel for the petitioner submitted that the petitioner was not at all involved in any offence and a false complaint has been foisted against the petitioner only for the purpose of statistics. The learned counsel submitted that the petitioner has already suffered incarceration for 22 days and no previous case is pending as against the petitioner.

4.The learned Government Advocate appearing for the respondent objected to the grant of bail.



5. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner has already suffered incarceration for nearly 22 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.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the Judicial Magistrate No.I, Mettur, Salem District, 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 10.30 a.m. for a period of two weeks and thereafter, as and when required.

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

[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 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.



TO

1 THE JUDICIAL MAGISTRATE,
NO.1, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE
KOLATHUR POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S.M.SENTHIL KUMAR Advocate on payment of necessary
charges

CRL OP.12496/2022

Date :25/05/2022

RVR 26/05/2022