



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2022

CORAM:

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

Crl.O.P.No.13759 of 2022

Balaji

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Arakandanallur Police Station,
Kallakurichi District.
(Cr.No.208 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.208 of 2022 on the file of the respondent police .

For Petitioner : Mr.R.Muruga Bharathi

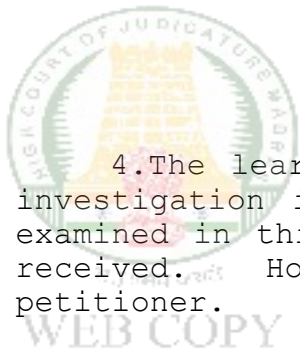
For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.04.2022 for the offences punishable under Sections 4(1)(a), 4(1-A) of TNP Act, in Crime No.208 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 10 litres of illicit arrack, resulting in the registration of the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that the petitioner has been in judicial custody for more than 70 days. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would submit that investigation is almost complete and so far, 5 witnesses have been examined in this case and the chemical analysis report is yet to be received. However, he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and taking note of the fact that part of investigation is over and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirukovilur.

(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 shall report before the respondent police once in a week i.e., on every Monday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
23/06/2022

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,
THIRUKOVILUR

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
ARAKANDANALLUR POLICE STATION,
KALLAKURCHI DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, THIRUKOILUR

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S R.MURUGA BHARATHI Advocate on payment of necessary
charges SR.NO.9786

CRL OP.13759/2022

Date :23/06/2022

JPA 23/06/2022