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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.14852 of 2022

AS Murugan

.. Petitioner/sole accused

Vs.

State rep. by
Inspector of Police,
Periyathatchur Police Station,
Villupuram District
Crime No.116 of 2022

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.116 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Sivaraman

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.06.2022 for the offences punishable under Sections 4(1)(a), 4(1-A) of Tamilnadu Prohibition Act in crime No.116 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.06.2022 at about 12.00 hrs, the petitioner was found in illegal possession of 5 litres of ID arrack. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instructions, he would further submit



that the petitioner is ready to deposit an amount of Rs.25,000/- to the Stanley Medical College and prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner was found in illegal possession of 5 litres of ID Arrack. He would further submit that the petitioner has 26 previous case. Hence, he vehemently opposed to grant bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- to the Stanley Medical College, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) directly to the Dean, Stanley Medical College, Chennai, and on such deposit 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Tindivanam 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) directly to the Dean, Stanley Medical College, Chennai to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[c] the petitioner shall stay at Chennai and report before the Inspector of Police, Harbour Police Station, Chennai daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders

[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 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/-
28/06/2022

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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.2, TINDIVANAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PERIYATHATCHUR POLICE STATION,
VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE
DISTRICT JAIL, VILLUPURAM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE DEAN,
STANLEY MEDICAL COLLEGE, CHENNAI

+1 CC to M/S. N.SIVARAMAN Advocate on payment of necessary charges SR.NO.10196

CRL OP.14852/2022

Date :28/06/2022

JPA 28/06/2022