



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

WEB COPY

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

Crl.OP.No.15261 of 2022

Dharanikumar

.. Petitioner/accused

Vs.

The State rep. by
The Inspector of Police,
Kilvelur Police Station,
Nagapattinam District
Crime No.171 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.171 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Mohamed Ismail

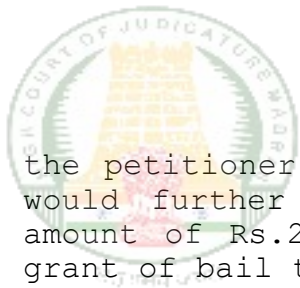
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.04.2022 for the offences punishable under Sections 4(1)(i), 4(1)(aaa), r/w 4(1-A) of Tamilnadu Prohibition Act in crime No.171 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.04.2022, while patrolling near the house of the petitioner by the respondent, he was caught while allegedly in possession of 110 litres of illicit arrack. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner was admitted in the Government Medical College, Nagapattinam on 16.04.2022 and was discharged only on 19.04.2022 by 1.00 p.m. On the same day on 19.04.2022, the false case has been foisted against the petitioner and the respondent police are using



the petitioner for statistical purpose. However, on instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.20,000/- 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 110 litres of ID Arrack. He would further submit that they are yet to pass detention order against this petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the earlier bail petition filed by the petitioner was dismissed on 16.06.2022 since the learned Additional Public Prosecutor had submitted that there was a proposal for detaining the petitioner under Goondas Act. Now, this is the second bail petition and even till today, such proposal was not considered to detain the petitioner under Goondas Act. 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.20,000/- 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.20,000/- (Rupees Twenty 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.I, 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 deposit a sum of Rs.20,000/- (Rupees Twenty 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 Chengalpet and report before the Inspector of Police, Chengalpet Town Police Station, Chengalpet 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/-

04/07/2022

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, NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
KILVELUR POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, NAGAPATTINAM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE DEAN,
STANLEY MEDICAL COLLEGE, CHENNAI

7 THE INSPECTOR OF POLICE,
CHENGALPET TOWN POLICE STATION,
CHENGALPET

+1 CC to M/S A.MOHAMED ISMAIL Advocate on payment of necessary charges SR.NO.10570

CRL OP.15261/2022

Date :04/07/2022

JPA 04/07/2022