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Crl.OP.No.15852 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

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

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Govindhan @ Govindaraj

..Petitioner/sole accused

Vs.

State rep. by
The Inspector of Police,
Thalaivasal Police Station,
Kallakurichi District
Crime No.114 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.114 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.V.Gunasekar

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 23.05.2022 on execution of PT warrant for the offences



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punishable under Section 4(1)(aaa) of Tamilnadu Prohibition Act in crime No.114 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found with illicit arrack of 200 litres without any valid licence. 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. However, on instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.10,000/- 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 200 litres of ID Arrack and he has two previous cases similar in nature. He would further submit that the petitioner was originally arrested on 01.05.2022 in crime No.178 of 2022 for the offence under Sections 4(1)(i), 4(1)(aaa), 4(1-A) of TNP Act and subsequently, PT warrant was executed by the respondent police



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on 23.05.2022 in crime No.114 of 2022 for the offence under Section 4(1)(aaa) of TNP Act. He would further submit that there is a proposal to detain the petitioner under Goondas Act. 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 23.06.2022 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.10,000/- 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.10,000/- (Rupees Ten 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



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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, Attur 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.10,000/- (Rupees Ten 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 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.**



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State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

08.07.2022

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To

- 1.The learned Judicial Magistrate,
Attur
- 2.The Inspector of Police,
Thalaivasal Police Station,
Kallakurichi District
- 3.Sub Jail,
Attur
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.
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