



Crl.O.P.No.17051 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2022

CORAM

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

Crl.O.P.No.17051 of 2022

Madhan

...Petitioner

Vs.

State rep. by
The Inspector of Police,
H 3 Tondiarpet Police,
Chennai.
Crime No.211 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.211 of 2022 pending
investigation on the file of the respondent.

For Petitioner : Ms.R.Saritha

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.07.2022 for the offences punishable under Sections **4(1)(a)** **read with Section 4(1-A) of TN Prohibition Act** in Crime No. 211 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the petitioner along with other accused were involved in possession of 5 litres of ID arrack. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. That apart, the petitioner has been suffering incarceration from 05.07.2022. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that apart from this case, there are 24 previous cases pending against the petitioner. Hence, he vehemently opposed grant of bail to the petitioner.



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5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 05.07.2022, this Court is inclined to grant bail to the petitioner.

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 blood related sureties**, each for a like sum to the satisfaction of the learned **Metropolitan Magistrate- XV, George Town, Chennai** 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 stay at Hosur and report before the Hosur Town Police twice daily at 10.30 a.m., and 04.30 p.m., for a period of four weeks and thereafter report before the respondent police daily 10.30.a.m., for a period of four weeks and thereafter as and when required for interrogation;



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trial.

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

[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.

22.07.2022

sma



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To

1. Metropolitan Margistrate -XV,
George Town,
Chennai.
- 2.The Inspector of Police,
H 3 Tondiarpet Police,
Chennai.
3. Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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