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CrI.OP.No.17222 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2022

CORAM

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

CrI.OP.No.17222 of 2022

Kanagaraj

...Petitioner

Vs.

State Rep. by The Inspector of Police,
Mathur Police Station,
Krishnagiri District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.212/2022 pending investigation on the file of the respondent.

For Petitioner	: Mr.E.Kannadasan
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.07.2022 for the offences punishable under Sections 4(1)(aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act in crime No.212 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is alleged to



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have found in possession of 110 litres of I.D. arrack illegally. Hence, this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. Further, on instruction, he would submit that in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.10,000/- to **the Dean, Stanley Medical College and Hospital, Chennai** and that the petitioner is in judicial custody from 09.07.2022. Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor (Crl.Side) would submit that the petitioner is in possession of 110 litres of arrack illegally and he is having five previous cases and that the investigation is pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Taking into consideration the nature of allegations against



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the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 09.07.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.10,000/-(Rupees ten thousand only) directly to **the Dean, Stanley Medical College and Hospital, 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 sureties, each for a like sum to the satisfaction of the **learned D.M. cum J.M., Pochampalli**, 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 and Hospital, Chennai, to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner stay at Sriperumbudur, and report before



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Inspector of Police, Sriperumbudur Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter before the respondent police daily at 10.30 a.m., for a period of four 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 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.

25.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The D.M. cum J.M.,
Pochampalli.
- 2.The Inspector of Police,
Mathur Police Station,
Krishnagiri District.
- 3.Sub Jail,
Krishnagiri.
- 4.The Public Prosecutor,
High Court of Madras

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