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Crl.OP.No.20708 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.20708 of 2022

1.Ajith
2.Boopathi

...Petitioners

Vs.

State.rep.by
The Inspector of Police,
Kallakurichi P.E.W, Police Station,
Kallakurichi District.
Crime No.237 of 2022.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail pending investigation in Crime
No.237 of 2022 on the file of the Inspector of Police, Kallakurichi
P.E.W. Police Station, Kallakurichu District.

For petitioners : Mr.S.Parameswaran

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 15.07.2022 for the offences punishable under Sections



Crl.OP.No.20708 of 2022

4(1)(A), 4(1)(aaa) of T.N.P. Act in Crime No.237 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in possession of 400 liters of illicit arrack. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners are arrayed as A1 & A2. He would further submit that there are two previous cases of similar nature pending against them. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioners. Accordingly, the



CrI.OP.No.20708 of 2022

petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Sankarapuram**, 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 petitioners shall report before the respondent police every day morning at 10.30 a.m. and evening at 5.30 p.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs.**



Crl.OP.No.20708 of 2022

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

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

05.09.2022

mpl



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CrI.OP.No.20708 of 2022

A.D.JAGADISH CHANDIRA, J.

mpl

To

- 1.The Judicial Magistrate Sankarapuram.
- 2The Inspector of Police,
Kallakurichi P.E.W, Police Station,
Kallakurichi District.
- 3.Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras

CrI.O.P.No.20708 of 2022

05.09.2022