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Crl.O.P.No.21637 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2022

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

Crl.O.P.No.21637 of 2022

Mayakannan

... Petitioner

Vs.

The State represented by ,
The Inspector of Police,
Yethapur Police Station,
Salem.

(Crime No.322 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.322 of 2022 pending
investigation on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.07.2022 for the offences punishable under Sections 4(1)(aa) & 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.322 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that when the respondent police was on patrol duty, they found the petitioner was in possession of 60 litres of illicit arrack. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any such offence as alleged by the prosecution. He would further submit that he has been falsely implicated in this case. 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 petitioner was found in possession of 60 ltrs of illicit arrack. He would also submit that the petitioner is a habitual offender and there are three previous cases of similar nature pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent Police and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, 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 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 petitioner shall not abscond either during investigation or trial;

[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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

08.09.2022

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To

1. The Judicial Magistrate No.I,
Attur.
2. The Inspector of Police,
Yethapur Police Station,
Salem.
3. The Sub Jail,
Attur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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