



WEB COPY



Crl.O.P.No.21855 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

CORAM

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

Crl.OP.No.21855 of 2022

Nagappan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thirukuvalai Police Station,
Nagapattinam District.
Crime No.78 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.78 of 2022 on the file of
the Inspector of Police, Thirukuvalai Police Station, Nagapattinam.

For Petitioner : Mr.T.Naveenchander

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



WEB COPY



Crl.O.P.No.21855 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.07.2022 for the offences punishable under Section 4(1)(i), 4(1)(aaa) and 4(1-A) of TN Prohibition Act, in Crime No.78 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.07.2022, the respondent police were on their routine vehicle checkup, the petitioner was found in possession 110 litres of illicit substance and they were seized by the respondent police. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was found in possession 110



Crl.O.P.No.21855 of 2022

litres of illicit substance and they were seized by the respondent police. He would also submit that the petitioner was arrested on 19.07.2022 and the petitioner has got three previous cases of similar nature. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner.

7. 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Nagapattinam** 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



Crl.O.P.No.21855 of 2022

Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 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 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.

09.09.2022

rgi



Crl.O.P.No.21855 of 2022

WEB COPY

To

1. The Judicial Magistrate No.II,
Nagapattinam.
2. The Inspector of Police,
Thirukuvalai Police Station,
Nagapattinam District.
3. The Superintendent,
Sub Jail,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.21855 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No.21855 of 2022

09.09.2022