



Crl.O.P.No.23248 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM

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

**Crl.O.P.No.23248 of 2022**

Senthil

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Sankarapuram Police Station,  
Kallakurichi District.  
Crime No.361 of 2022

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail pending investigation in Crime  
No.361 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.Parameswaran

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



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### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 28.08.2022 for the offences punishable under Sections 4(1-A) and 4(1)(aa) of Tamil Nadu Prohibition Act, in Crime No.361 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police was on their routine patrol duty, the petitioner was found in possession of 60 litres of illicit ID arrack. 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. He would further submit that there is no previous case pending as against the petitioner. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that when the respondent police was on their



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routine patrol duty, the petitioner was found in possession of 60 litres of illicit ID arrack. He would also admit that there are no previous cases pending as against the petitioner. However, 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 and 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, 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



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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.

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To

1. The Judicial Magistrate, Sankarapuram.
2. The Inspector of Police,  
Sunguvarchathiram Police Station,  
Kanchipuram District.
3. The Superintendent,  
Central Prison,  
Cuddalore.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA., J.**

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