



Crl.OP.No.24439 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

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Vijayakumar

... Petitioner

Vs.

State Rep.by the Inspector of Police,
Thammampatty Police Station,
Salem District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.162 of 2022 pending
investigation on the file of the Respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 13.09.2022 for the offences punishable under Sections 4(1) (aa) and 4(1) (i) r/w 4(1-A) of Tamil Nadu Prohibition Act in Crime No.162 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that on 13.09.2022, when the Respondent Police were on Patrol Duty, the Petitioner was found to be in possession of 200 bottles of Simsons Brandy, 10 bottles of SNJ Beer brandy and 11 bottles of Zingaro Beer. Hence, the case.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent and he had been falsely implicated in this case. He would submit that without prejudice to his contentions, the Petitioner is prepared to deposit an amount of Rs.35,000/- to any Welfare Scheme of the Government. Therefore, he prays for grant of bail to the Petitioner.



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4. The learned Additional Public Prosecutor appearing for the Respondent would submit that the Petitioner was in possession of 200 bottles of Simsons Brandy, 10 bottles of SNJ Beer brandy and 11 bottles of Zingaro Beer. He would further submit that there are 2 previous cases pending against the Petitioner. Hence, he vehemently opposed to grant bail to the Petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Taking into consideration of the submission of the learned Counsel for the Petitioner and the objection made by the learned Additional Public Prosecutor and also taking note of the fact that the Petitioner has come forward to deposit an amount of Rs.35,000/- to any Welfare Scheme of the Government, this Court is inclined to grant bail to the Petitioner.

7. Accordingly, the Petitioner shall deposit a sum of **Rs.35,000/-**



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(Rupees Thirty Five Thousand only) by way of Demand Draft to the **Dean, Government Hospital, Salem District**, and on such deposit, the Petitioner is ordered to be released on bail on 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 Judicial Magistrate II, Attur**. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate II, Attur shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation



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Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

shk/sma

To

1. The learned Judicial Magistrate II, Attur
2. The Inspector of Police,
Thammampatty Police Station,
Salem District.
3. The Sub Jail,
Attur.
4. The Public Prosecutor,

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High Court of Madras.

SATHI KUMAR SUKUMARA KURUP,J.

shk/sma

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