



WEB COPY



CrI.O.P.No.25550 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

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

CrI.O.P.No.25550 of 2022

G.Thiruneelakandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Prohibition of Enforcement Wing,
Nannilam Police Station,
Nannilam,
Tiruvarur District.
(Crime No.619/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.619
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Tamilselvan

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



Crl.O.P.No.25550 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.09.2022, for the offences punishable under Sections 4(1-A), 4(1)(aaa) of Tamil Nadu Prohibition Act, in Crime No.619 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police and their team were on routine patrol duty, they found that the petitioner was in illegal possession of 110 litres of Pondy alcohol. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

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



Crl.O.P.No.25550 of 2022

possession of 110 litres of Pondy alcohol. He would also submit that there are 4 previous cases against the petitioner out of which 3 cases are similar in nature. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

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 District Munsif cum Judicial Magistrate, Nannilam**, and on further conditions that:



Crl.O.P.No.25550 of 2022

[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 everyday at 10.30 a.m. and 5.30p.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.

31.10.2022

ham



Crl.O.P.No.25550 of 2022

WEB COPY

To

1. The District Munsif cum Judicial Magistrate,
Nannilam.
2. The Inspector of Police,
Prohibition of Enforcement Wing,
Nannilam Police Station,
Nannilam,
Tiruvarur District.
3. The Sub Prison,
Nannilam.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.25550 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.25550 of 2022

31.10.2022