



Crl.O.P.No.26619 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.26619 of 2022

Kesavan

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
F4 Killyanur Police Station,
Villupuram District.
(Crime No.181 of 2022)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner / Accused on bail, pending investigation in
the Crime No.181 of 2022 on the file of the respondent.

For Petitioner : Mr.Charles Kamalesh M.Appaji

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 05.08.2022, for the offences punishable under Sections 4(1)(1), 4(1)(aaa), 4(1)(A) of the Tamil Nadu Prohibition Act in Crime No.181 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 104 litres of illicit arrack. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and for the purpose of statistical purposes, the present false case has been filed. He would further submit that the petitioner was detained as bootlegger by the proceedings of the District Collector, Villupuram in C2/9094 of 2022 dated 24.08.2022. However, the detention order has been revoked by the Government of Tamil Nadu in G.O.(Rt).No.6407 Home, Prohibition & Excise (XIV) Department dated 28.09.2022. He would further submit that the petitioner is in prison from 05.08.2022. Hence, he seeks for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that, apart from this case, there are 17 previous cases pending against the petitioner, out of which, 15 are similar in nature. Hence, he opposed for grant of 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and the submissions made by the learned counsel and also considering that the petitioner's detention order has already been revoked, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his 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 District Munsiff Cum Judicial Magistrate, Vaanur**, and on further conditions that:



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[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 daily at 10.30.a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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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1. The District Munsif cum Judicial Magistrate, Vaanur.
2. The Inspector of Police,
F4 Killyanur Police Station,
Vilupuram District.
3. Cuddalore Jail.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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