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Crl.OP.No.27231 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.OP.No.27231 of 2022

Deva

... Petitioner

Vs.

State, rep. By
The Station House Officer,
Mailam Police Station,
Villupuram District.
(Crime No.417 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge petitioner on bail pending investigation in Crime No.417
of 2022 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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 02.10.2022 for the offences punishable under Sections 4(1)(a), 4(1-A) of TNP Act, in Crime No.417 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 30 Litres of I.D. Arrack. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would submit that the petitioner is the sole bread winner of the family and the petitioner has been falsely implicated in this case for the purpose of statistics. Therefore, he prays for grant bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner was found to be in possession of 30 Litres of illicit arrack. The petitioner has got 8 previous cases, out of which, 4 cases have been disposed. He would further submit that in this case,



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investigation is pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the period of incarceration suffered by the petitioner from 02.10.2022 , 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.5,000/- (Rupees Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Tindivanam** 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 Bank pass Book to ensure their identity;



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[c] the petitioner shall report before the respondent Police as and when required;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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];**

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To
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1. The learned Judicial Magistrate No. I, Tindivanam,
2. The Station House Officer,
Mailam Police Station,
Villupuram District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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M. NIRMAL KUMAR,J.

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