



CrI.O.P.No.28215 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

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

CrI.O.P.No.28215 of 2022

Natesan

... Petitioner

Vs.

State Rep by Inspector of Police,
Kannankurichi Police Station,
Salem District.
(Cr. No.858/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.858
of 2022 pending on the file of respondent police.

For Petitioner : Mr.R.Nalliyappan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.10.2022 for the offences punishable under Sections 4(1)(a), 4(1)(b), 4(1)(g) & 4(1-A) of TNP Act and Section 328 of IPC in Crime No.858 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that petitioner was found in possession of 5 liters of I.D. Arrack. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner was found in possession of 5 liters of I.D. Arrack. He would further submit that there is no previous case pending as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also the period of incarceration of the petitioner, 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 **learned Judicial Magistrate No.IV, Salem** 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;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. and 5.30



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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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mpl



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A.D.JAGADISH CHANDIRA.,J.

mpl

To

1. The Judicial Magistrate No.IV, Salem.
- 2.The Inspector of Police,
Kannankurichi Police Station,
Salem District.
3. Central Jail,
Salem.
4. The Public Prosecutor,
High Court of Madras.

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