



WEB COPY



Crl.O.P.No.6520 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

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

Crl.O.P.No.6520 of 2023

Ashokan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Prohibition Enforcement Wing,
Thirupathur, Thirupathur District.

(Crime No.119 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.119 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Ms.R.Thulasi

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



Crl.O.P.No.6520 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.03.2023, for the offences punishable under Sections 4(1)(a), 4(1-A)(ii) of Tamil Nadu Prohibition Act, in Crime No.119 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they found that the accused was in illegal possession of 30 litres of illicit arrack. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. She further submitted that the petitioner is also ready to abide by any other stringent conditions that may be imposed by this Court. She also submitted the petitioner is in custody from 05.03.2023, hence, he prayed for grant of bail to the petitioner.



Crl.O.P.No.6520 of 2023

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found to be in illegal possession 30 litres of illicit arrack. He further submitted that no previous case is pending against the petitioner. However, 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 and circumstances of the case, the submissions made by either side and also taking note of the fact that no previous case is pending against the petitioner, 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.15,000/- (Rupees Fifteen thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Thirupathur**, and on further conditions that:



Crl.O.P.No.6520 of 2023

[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., 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.

27.03.2023

ham



Crl.O.P.No.6520 of 2023

WEB COPY

To

1. The Judicial Magistrate No.II,
Thirupathur.
2. The Inspector of Police,
Prohibition Enforcement Wing,
Thirupathur, Thirupathur District.
3. The Sub Jail,
Thirupathur.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.6520 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.6520 of 2023

27.03.2023