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CrI.OP.No.9190 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.9190 of 2023

Ramarajan

... Petitioner

Vs.

State Rep by
Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai Dt.
Crime No.229 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in crime No. 229 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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CrI.OP.No.9190 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.04.2023 for the offence punishable under Sections 4(1)(aa) r/w 4 (1-A) ii of Tamil Nadu Prohibition Act and 8(c) 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.229 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.04.2023 at 10.00 hours, when the respondent police was on a routine search, they found the petitioner was in illegal possession of 55 litres of I.D. arrack in the mud pot and also 50 grams of kanja in a plastic cover and seized the same. Hence, the present complaint was lodged against the petitioner.

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.



CrI.OP.No.9190 of 2023

WEB COPY

4. The learned Additional Public Prosecutor would submit that on the date of occurrence, when the respondent police on their routine search, they found the petitioner was in illegal possession of 55 litres of I.D. Arrack in the mud pot and also 50 grams of kanja in a plastic cover. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that when the respondent police was on routine check-up, they found the petitioner was in illegal possession of 55 litres of I.D. arrack in the mud pot and also 50 grams of kanja in a plastic cover and seized the same. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall donate a sum of Rs.15,000/- (Rupees fifteen thousand only) to the credit of “LOVERS OF TRUTH, UNITY & SERVICE”, A/c. No.611901075128, IFS Code: ICIC0006119, Cell No.9600416555, by producing his/her Aadhar number, PAN number



CrI.OP.No.9190 of 2023

and address. On such donation, the petitioner is ordered to be released on bail on his/her 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 Judicial Magistrate No.II, Thiruvannamalai 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 donate a sum of Rs.15,000/-(Rupees Fifteen Thousand only), to the credit of the “LOVERS OF TRUTH, UNITY & SERVICE”, A/c. No.611901075128, IFS Code: ICIC0006119 Cell No.9600416555, by producing his/her Aadhar number, PAN number and address. The receipt of such donation shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation. (OR) until further orders.

[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.



CrI.OP.No.9190 of 2023

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

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To

- 1.The Judicial Magistrate No.II,
Thiruvannamalai.
- 2.Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai Dt.
- 3.Sub-Jail, Thiruvannamalai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai



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Crl.OP.No.9190 of 2023

G.K.ILANTHIRAIYAN, J.

rpp

Crl.O.P.No. 9190 of 2023

04.05.2023