



Crl OP No.9758 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.OP. No.9758 of 2023

Prabu @ Prabakaran

... Petitioner

Versus

State represented by
Inspector of Police,
Thiruvannamalai P.E.W. Police Station,
Thiruvannamalai District.
Crime No.288 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.288 of 2023 on the file of respondent.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.03.2023 for the offences punishable under Sections 4(1)(aaa) read with 4(1-A) ii of TNP Act, 1937 r/w 6 & 7 of RS Rules, 2000 in Crime No.288 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.03.2023, when the Inspector of Police attached to the respondent police along with his team was on regular patrol duty, one Mohandas was found in possession of 4375 litres of I.D. Arrack in 125 white colour plastic cans and subsequently, they arrested the said Mohandas and based on his confession, the petitioner and 12 other accused were implicated in this case. Hence, the case.

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, since he has got some previous cases. He had also submitted that



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the petitioner is in custody from 18.03.2023. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused was involved in illegal selling of illicit arrack. He further submitted that eight previous cases of similar nature are pending as against the petitioner and hence, vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case, the period of incarceration and that further custody of the petitioner is not required for investigation, this Court is inclined to grant bail on the following conditions;

(a) the petitioner shall execute 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 at Thiruvannamalai.



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[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. 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.

[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.

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To

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



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SUNDER MOHAN, J

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