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CrI.O.P.No.10197 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR. JUSTICE **A.A.NAKKIRAN**

CrI.O.P.No.10197 of 2023

Dharuman

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Thanipadi Police Station.

(Crime No.169 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.169 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.Gunasekaran

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.04.2023, for the offences punishable under Sections 4(1)(aaa) r/w 4(1-A)ii of Tamil Nadu Prohibition Act, in Crime No.169 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 were in illegal possession of 180 litres of ID 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. He also submitted that the co-accused has been granted bail by this Court in CrI.O.P.No.9045 of 2023 dated 26.04.2023 and further submitted that the petitioner is in custody from 11.04.2023, hence, he prayed to grant bail to the petitioner stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.



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4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner were found to be in illegal possession of 180 litres of ID arrack. He further submitted that four previous cases of similar nature are pending as against the petitioner, hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the period of incarceration, 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Thandarampet**, and on further conditions that:



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[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 5.30p.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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To

1. The Judicial Magistrate,
Thandarampet.
2. The Sub-Inspector of Police,
Thanipadi Police Station.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN.,J.

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