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Crl.OP.No.11798 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11798 of 2023

Shagul hamed
S/o. Settu

... Petitioner

Vs.

State represented by,
Inspector of Police,
Thiruvannamalai Taluk Police Station
Thiruvannamalai Dist.
(Crime No.294/2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail pending investigation in Crime
No.294 of 2023 on the file of the Respondent.

For Petitioner : M/s.R.Balakrishnan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 15.05.2023 for the offence punishable under Sections 4(1)(aa) read with 4(1-A) ii of TNP Act in Crime No.294 of 2023 on the file of the Respondent Police, seeks bail.

2.The case of the prosecution is that the respondent police was on regular patrol, the petitioner was found in possession of 55 liters of ID Arrack. Hence, the complaint.

3.The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that he has been suffering incarceration from 15.05.2023. Hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate(Crl.Side) appearing for the Respondent Police submitted that the petitioner was in possession of 55 liters of I.D. Arrack. He further submitted that there are 2 previous cases pending



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against the petitioner and all other cases already he has been granted bail.

However, he vehemently opposed to grant bail to the Petitioner.

5. Heard the learned counsel for the petitioner and the learned Govt. Advocate (Crl.Side) appearing for the respondent police and perused the materials available on record.

6. Considering the submissions made by the learned Govt. Advocate and also considering the period of incarceration suffered by 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 separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, No.II, Thiruvannamalai and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar



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card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall co-operate with the pending investigation and report before the Inspector of Police, daily at 10.00 a.m., until further orders.

(c) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge



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himself/herself as laid down by the Hon'ble Supreme Court in
P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the Accused thereafter absconds, a fresh FIR
can be registered under Section 229-A IPC.

24.05.2023

smn

To

1.The Judicial Magistrate, No.II
Thiruvannamalai

2.Inspector of Police,
Thiruvannamalai Taluk Police Station
Thiruvannamalai Dist.
(Crime No.294/2023)

3.The Jailor, Sub Jail,
Thiruvannamalai

4.The Public Prosecutor,
High Court of Madras
Chennai 600 104.



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SATHI KUMAR SUKUMARA KURUP,J.

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