



Crl.OP.No.11813 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.11813 of 2023**

Mohan

... Petitioner

Vs.

State represented by,  
The Inspector of Police,  
Jamunamarathur Police Station  
Thiruvannamalai District.  
(Crime No.70 of 2023)

... Respondent

**PRAYER:** Criminal Original Petition has been filed under Section 439 of Cr.P.C., pleased to enlarge the Petitioner on bail in Crime No.70 of 2023 pending investigation on the file of the respondent police.

For Petitioner : M/S.S.Nishanthi

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



WEB COPY



Crl.OP.No.11813 of 2023

## **ORDER**

The Petitioner, who was arrested and remanded to judicial custody on 14.05.2023 for the offence punishable under Sections 4(1)(aa) read with 4(1-A) (ii) of Tamil Nadu Prohibition Act in Crime No.70 of 2023 on the file of the Respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 55 litres 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 14.05.2023. 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 two previous cases



Crl.OP.No.11813 of 2023

pending against the petitioner. Hence, 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 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, Polur 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 card or voter identity card or driving license or PAN card or



Crl.OP.No.11813 of 2023

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



Crl.OP.No.11813 of 2023

WEB COPY

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

**24.05.2023**

rri

To

- 1.The Judicial Magistrate, Polur.
- 2.The Inspector of Police,  
Jamunamarathur Police Station  
Thiruvannamalai District.
- 3.The Jailor,  
Sub-Jail, Polur.
- 4.The Public Prosecutor,  
High Court of Madras,  
Chennai 600 104.



WEB COPY



Crl.OP.No.11813 of 2023

**SATHI KUMAR SUKUMARA KURUP, J.**

rrr

**Crl.O.P.No.11813 of 2023**

**24.05.2023**