



WEB COPY



Crl.OP.No.11765 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.11765 of 2023

Mano
S/o.Elumalai

... Petitioner

Vs.

State represented by,
Inspector of Police,
Kilpennathur Police Station,
Thiruvannamalai Dist.
(Crime No.246/2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail pending investigation in Crime
No.246 of 2023 on the file of the Respondent.

For Petitioner : Mr.R.Balakrishnan

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



WEB COPY



Crl.OP.No.11765 of 2023

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 16.05.2023 for the offences punishable under Sections 4(1)(aa) r/w. 4(1-A) ii of TNP Act, in Crime No.246 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 16.05.2023. 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 is no previous cases pending



Crl.OP.No.11765 of 2023

against the petitioner. 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 and also considering the fact that there is no previous case pending against 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 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



Crl.OP.No.11765 of 2023

/ Metropolitan Magistrate may obtain a copy of their Aadhar 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 himself/herself as laid down by the Hon'ble Supreme Court in



WEB COPY



Crl.OP.No.11765 of 2023

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.The Inspector of Police,
Kilpennathur Police Station,
Thiruvannamalai Dist.
(Crime No.246/2023)

3.The Jailer
Sub Jail
Thiruvannamalai

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



WEB COPY



Crl.OP.No.11765 of 2023

SATHI KUMAR SUKUMARA KURUP,J.

smn

Crl.O.P.No.11765 of 2023

24.05.2023