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Crl.OP.No.11788 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.11788 of 2023

Poomalli
W/o.Karnan

... Petitioner

Vs.

State rep. By,
The Inspector of Police,
Chengam Police Station,
Thiruvannamalai District.
(Crime No.303/2023)

... 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.303 of 2023 on the file of the Respondent.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.L.Baskaran
Government Advovate (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.303 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that when the respondent police was in regular check up the petitioner was in possession of 60 liters of I.D. Arrack. Hence the case.

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 submit that petitioner is in judicial custody from 15.05.2023. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate appearing for the Respondent submitted that the petitioner was in possession of 60 liters of I.D. Arrack. He further submitted that there was no previous case against the petitioner. However, he vehemently opposed to grant bail to the Petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate and perused the materials available on record.



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6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the petitioner and 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 / 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 respondent police daily at 10.00 a.m., until further orders.

(c) the petitioner shall not influence, threaten or



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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;

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

24.05.2023

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To

1. The Judicial Magistrate No.II, Thiruvannamalai.
- 2.The Inspector of Police,
Chengam Police Station,
Thiruvannamalai District.
3. The Special Prison for Women,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

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