



WEB COPY



Crl.O.P.No. 24906 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2023

CORAM

THE HON'BLE MRS. JUSTICE R.KALAIMATHI

Crl.O.P.No.24906 of 2023

Agoramoorthy

... Petitioner

Vs.

The State rep. by:-
The Inspector of Police,
Poombuhar Police Station,
Mayiladuthurai District.
(Crime No.121 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in Crime No.121 of 2023
pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 02.10.2023, registered by the respondent Police for the offence under



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Sections 4(1)(aaa) r/w 4(1-A) of TNP Act, in Crime No.121 of 2023, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 110 litres of pondy arrack. Hence the case.

3.The learned counsel 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 the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he is in judicial custody from 02.10.2023. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that the petitioner was found to be in illegal possession of 110 litres of pondy arrack. He further submitted that there are six previous cases of similar nature against the petitioner. Hence, he opposed for grant of bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone 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**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Tharangampadi (Thiruchampalli)** and on further conditions that

[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 on everyday at 10.00 a.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.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

26.10.2023

vkp/apd

To

1. The District Munsif cum Judicial Magistrate,
Tharangampadi, Thiruchampalli.
2. The Inspector of Police,
Poombuhar Police Station,
Mayiladuthurai District.
3. The Sub Jail, Poraiyar.
4. The Public Prosecutor,
High Court of Madras.



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R.KALAIMATH.J.,

vkf/apd

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