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Crl.O.P.No.12153 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.12153 of 2024

Ashok

...Petitioner / Accused (Single)

Vs.

State represented by
The Inspector of Police,
Thandarampattu Police Station,
Tiruvannamalai District.
(Crime No.110 of 2024)

...Respondent/ Complainant

For petitioner	:	Mr.Sathiyaraj E.
For Respondent	:	Mr.C.E.Pratap Government Advocate (Crl. Side) Assisted by Ms.M.Sumri Arnica

PRAYER: The Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail in Crime No.110 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 13.05.2024 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.

2. The petitioner/ accused was arrested and remanded to judicial custody on 28.04.2024 for the alleged offences punishable under Sections 4(1)(aa), r/w 4 (1-A) (ii) of Tamil Nadu Prohibition Act, in Crime No.110 of 2024 on the file of the respondent police.

3. The case of the prosecution is that on 28.04.2024, when the respondent police patrolled in Kodiyanur Village, found that the accused was in possession of lorry tube containing 30 litres of illicitly distilled arrack (I.D.). Hence the case.

4. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by



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the prosecution. He further submits that the petitioner is in judicial custody since 28.04.2024. He has no previous case pending against him. He therefore prayed to grant bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner was illegally in possession of 30 litres of illicitly distilled arrack (I.D.). He further submitted that the petitioner has no previous case; that investigation is not yet completed; and that at this stage of investigation, if bail is granted to the petitioner, he will cause threat to the defacto complainant and witnesses. Accordingly, he prayed to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested on 28.04.2024. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Petitioner is a first time offender and he has no



previous case. Hence, with a view to give one more opportunity to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a **bond for Rs.25,000/-** (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the **learned Judicial Magistrate, Thandarampet, Tiruvannamalai District.**

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residence address and mobile number;

(iv) **The petitioner shall appear and sign before the respondent police, daily at 10.00 a.m., until further orders;**

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;



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(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in ***P.K. Shaji vs. State of Kerala*** [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

16.05.2024

Index : Yes/No
Internet : Yes/No
Neutral citation : Yes/No
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Note:-

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R.SAKTHIVEL. J.

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To

- 1.The Judicial Magistrate, Thandarampet, Tiruvannamalai District.
2. The Central Prison, Vellore.
- 3.The Inspector of Police,
Thandarampattu Police Station,
Tiruvannamalai District.
- 4.The Public Prosecutor, High Court of Madras.

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