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Crl.O.P.No.12753 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.05.2024

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

Crl.O.P.No.12753 of 2024

Soundararajan

...Petitioner

Vs.

The State represented by
Inspector of Police,
PEW Tiruvannamalai Police Station,
Tiruvannamalai District.
(Crime No.352 of 2024)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.352 of 2024 pending investigation on the file of the respondent police.

For petitioner : Mr.Sathiyaraj E.

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

The petitioner/accused, who was arrested on 16.05.2024 for the offences punishable under Sections 4(1)(aa), 4(1-A)(ii) of Tamil Nadu Prohibition Act in Crime No.352 of 2024, seeks bail.



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2. According to the First Information Report, the petitioner was in possession of 55 litres of ID arrack. The respondent police arrested the petitioner and recorded the statement. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence he seeks bail to the petitioner

4. The learned Government Advocate (Crl. Side) submits that there are two previous cases against the petitioner and the investigation is almost completed. Hence, he opposed to grant bail to the petitioner.

5. Taking into consideration the facts and submissions made by both side counsels, also considering the period of incarceration undergone by the petitioner and the investigation is almost completed, this court is inclined to grant bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail on 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 Judicial Magistrate-I, Tiruvannamalai and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the respondent police on every Monday at 10.30 a.m. for a period of three months.

[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.

[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].



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S.SOUNTCHAR., J.

rpl

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

29.05.2024

rpl

To

- 1.The Judicial Magistrate-I, Tiruvannamalai.
2. The Sub Jail, Tiruvannamalai.
- 3.The Inspector of Police,
PEW Tiruvannamalai Police Station,
Tiruvannamalai District.
- 4.The Public Prosecutor, High Court of Madras.

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