

(2024) 02 MAD CK 0031

Madras High Court

Case No: Criminal Original Petition No. 2766 Of 2024

Settu

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Feb. 9, 2024

Acts Referred:

- Tamil Nadu Prohibition Act, 1937 - Section 4(1)(a), 4(1A)(ii)
- Indian Penal Code, 1860 - Section 229A

Bench: Single Bench

Advocate: D.Anandan, L.Baskaran

Judgement

C.V.Karthikeyan, J

1. The petitioner seeks bail in Crime No.71 of 2024, registered by the respondent police for the offences under Sections 4(1)(a), 4(1-A)(ii) of TNP Act. The petitioner had been remanded to judicial custody on 24.01.2024 with possession of 76 bottles of liquor.

2.It is stated that there are four previous cases against the petitioner herein but however, taking all other factors into consideration, I am inclined to grant bail to the petitioner subject o the following conditions:

3.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Judicial Magistrate, Gudiyatham, Vellore District, 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 everyday at 10.30 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.

[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.