
(2024) 04 MAD CK 0234

Madras High Court

Case No: Criminal Original Petition No. No.8597 Of 2024

M.Vadivelan

APPELLANT

Vs

State

RESPONDENT

Date of Decision: April 29, 2024

Acts Referred:

- Tamil Nadu Prohibition Act, 1937 - Section 4(1)(aaa), 4(1A)(ii)
- Indian Penal Code, 1860 - Section 229A, 328

Hon'ble Judges: T.V.Thamilselvi, J

Bench: Single Bench

Advocate: C.D.Sugumar, V.Meganathan

Judgement

T.V.Thamilselvi, J

1. The petitioner, who was arrested and remanded to judicial custody on 15.03.2024 for the alleged offence under Sections 4(1)(aaa), 4(1-A) (ii) of Tamil Nadu Prohibition Act r/w 328 of I.P.C. in Crime No.182 of 2024 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 15.03.2024 around 06.30 a.m., when the respondent police were on regular patrol duty near Thamerimuthur, Thazhambu Nagar at the back side of Reliance Petrol bunk, they intercepted the petitioner's vehicle and on search, the respondent police said to have found that he along with other accused were in possession of 1104 packets of Bangalore XXX rum each weighing 180 ml and 672 packets of double kick fine whisky each weighing 90 ml and 50 litres of ID Arrack in their vehicle illegally without any valid license and the same was seized by them. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that he has an innocent person, he is no way connected with the offence and he has not committed any of

offence as alleged by the respondent police. He would also submit that he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would also submit that the petitioner has been suffering incarceration for more than 44 days from 15.03.2024. On instruction, he would further submit that without prejudice to his right and contentions, he is prepared to deposit/pay some considerable amount. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that two accused involved in this case, in which the petitioner is arrayed as A1 and one previous case similar in nature pending against the petitioner. He would also submit that if he is released on bail, he would hamper the investigation and tamper the witnesses and the investigation is almost completed. However, he would vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances and the fact that the investigation is almost completed and considering the period of incarceration undergone by the petitioner from 15.03.2024, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) as non-refundable deposit to the credit of registered Advocates Clerks Association, Thirupathur and on such deposit, the petitioner is ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, in which one surety must be a blood surety for a like sum to the satisfaction of the Judicial Magistrate Court No.I, Thirupathur Dt., 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 every Sunday at 10.30 a.m. for the period of three months.

(c) the petitioner shall not tamper with evidence or 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 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 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]; and;

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