

In the Court of the Principal District and Sessions Judge, Nagapattinam.
Present: Thiru. D. Kingsly Christopher, M.A., M.L.,
Principal District and Sessions Judge, Nagapattinam
Thursday, the 13th day of October 2022
Cr.M.P.No.3275/2022

1. Dinesh @ Thiyagu, aged 27/2022, S/o Baskar
2. Veeramani, aged 55/2022, S/o Thangaiyan

.... Petitioners/A1 & A2

/Vs/

The Inspector of Police, Kilvelur P.S.
Cr.No.442/2022

.... Respondent

Petitioners Pray to grant bail under section 439 Cr.P.C

This petition came up today (13.10.2022) before me in the presence of Thiru. S.J. Mohan, Advocate for the petitioners and Public Prosecutor for Respondent and upon hearing the arguments of both side and on perusal of available records, this court passed the following:

ORDER

The petition is filed by the petitioners/accused who were arrested on 29.09.2022 for the offence u/s.4(1)(aaa) r/w 4(1-A) TNP Act in Cr.No.442/2022 on the file of respondent police station seeking bail.

Heard both side. The learned counsel for the petitioners contended that the petitioners are innocent and they are in no way connected with the alleged offence and the false case has been foisted against them and that they are in judicial custody for the past 15 days and thereby prays to grant bail.

On the other hand, the learned Public Prosecutor contended that the petitioners who have been in unauthorized possession of 110 litres of illicit arrack have been arrested and remanded on 29.09.2022 and the petitioners are in judicial custody for the past 15 days and the investigation is still pending and thereby objected to grant bail.

No bad antecedent reported against the petitioners. In this crisis situation due to spreading of pandemic COVID-19 virus and considering the period of detention of the petitioners and the facts and circumstances of this Case, **this court is inclined to release the petitioners on bail.**

Accordingly, the petitioners are ordered to be released on bail on their executing bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with single surety for a like sum to the satisfaction of the learned Judicial Magistrate No.I,

Nagapattinam and on further condition that,

(a) the sureties shall affix their photograph 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 petitioners shall appear and sign before the respondent police daily at 10.30 a.m. for a period of one month.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/ Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

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

Pronounced by me in open court, this the 13th day of October 2022.

Sd/- D. Kingsly Christopher
PRINCIPAL DISTRICT AND SESSIONS JUDGE,
NAGAPATTINAM.

To

1. The Judicial Magistrate No.I, Nagapattinam.
2. The Inspector of Police, Kilvelur P.S.
3. Thiru. S.J. Mohan, Advocate, Nagapattinam.

(On payment of costs)