

In the Court of the Principal Sessions Judge, Sivagangai
Present: Tmt.M.Sumathi Sai Priya, B.Sc., M.A., M.L., P.G.D.P.M., & I.R.,
Principal Sessions Judge, Sivagangai
Wednesday, the 12th day of October - 2022
(*Thiruvalluvar Aandu, 2053, Subakiruthu Varudam,*
Purattasi Thingal 25th Day)
Criminal Miscellaneous Petition No.4443/2022
CNR No. TNSV010052572022

Arulsamy, (Age 40), (Single Accused), S/o.Savarimuthu,
Kadambangudi,

Now at, Alanvayal, Utchani Post, Devakottai Taluk, Sivagangai District.

...Petitioner/Accused

/Vs/

State through the Inspector of Police,

Thiruvegampathur Police Station,

Cr.No.92/2022

...Complainant

This petition coming on this day for final hearing before me in the presence of Thiru.K.Chithiraichamy, Advocate for the Petitioner/Accused and of Thiru.A.Alagarsamy, Public Prosecutor for the state and upon hearing the arguments of both sides and on perusing the material records, this court delivered the following;

ORDER

The bail petition dated:10.09.2022 has been filed u/s. 439 of Cr.P.C, praying to grant bail to the petitioner/accused for the offences punishable under sections 4(1-A), 4(1)(i) of T.N.P Act.

The respondent police has registered a case against the petitioner in Crime No.92/2022 for the alleged offences under sections 4(1-A), 4(1)(i) of T.N.P Act. The alleged date of occurrence was on 03.10.2022. The FIR was registered on

03.10.2022 and the petitioner/accused was remanded to judicial custody on 03.10.2022.

Heard the learned counsel for the petitioner and learned Public Prosecutor and perused the records.

On perusal of F.I.R. it has been noted that a case has been registered for the offences under sections 4(1-A), 4(1)(i) of T.N.P Act., on the allegation on 03.10.2022 at around 11.00 a.m., the petitioner/accused in his possession of 9 bottles of Mclene Brandy and he sold out the liquor without the permission of the government to others and also in his possession the sale amount of liquor Rs.200/-. Thus, a case has been registered against the petitioner/accused.

The learned counsel for the petitioner/accused contended that the innocent petitioner has not committed any such offences, he has been falsely implicated in this case for statistical purpose and that the involved property was recovered by the respondent police. He has also contended that he are in judicial custody for the past 10 days, therefore if the petitioner/accused is released on bail, he is willing to offer substantial sureties for his appearance before this Court. Hence pray to enlarge the petitioner on bail.

On the other hand, the learned Public Prosecutor has strongly contended that the investigation is at initial stage and there is one similar kind of offence pending against the petitioner/accused and if the petitioner/accused is released on bail, he would indulge in similar kind of offence, he would abscond and also he may tamper with the material witnesses, thereby hampering the investigation. Therefore,

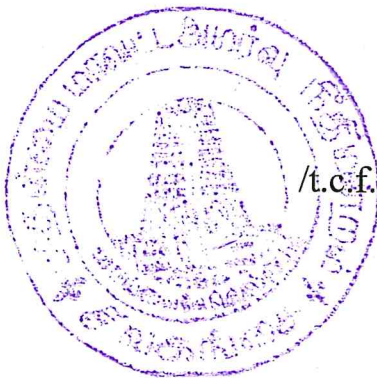
.3.

he has raised his strong objection to enlarge the petitioner on bail. Hence, prays to dismiss the petition.

On considering the rival submissions made on both side and on perusal of case records and other relevant records would show that there is one similar kind of offence pending against the petitioner/accused and it was also strongly contended by the learned Public Prosecutor that the investigation is at initial stage and if the petitioner/accused is enlarged on bail, in all probability, he might abscond and also influence the investigation, thereby changing the course of the entire case. Hence, on considering the vehement objection raised by the learned Public Prosecutor and the nature of offences, which are grave, this Court is of the considered view that it may not be ideal to enlarge the petitioner/accused on bail at this nascent stage of investigation. Thus, it is decided.

In the result, in the interest of justice the bail petition is dismissed.

Pronounced by me in Open Court, this the 12th day of October-2022.



(S/d).M.Sumathi Sai Priya,
Principal Sessions Judge,
Sivagangai.

G. V. Subramanian
Sherishtadar, 12.10.2022
Principal District Court,
Sivagangai.
12/10/22

To:-

Thiru.K.Chithiraichamy, Advocate for the Petitioner/Accused.

SD. NO 9581
12/10/22

Principal Sessions Court,

Sivagangai

Cr.M.P.No.4443/2022

Order dated:12.10.2022