

IN THE COURT OF PRINCIPAL SESSIONS JUDGE,
SALEM

Present : Thiru.S.Jeganathan, B.A., B.L., D.C.A., C.J.,
Principal Sessions Judge (i/c),
I Additional Sessions Judge,
Salem.

Thursday, the 13th day of October, 2022

CRIMINAL MISCELLANEOUS PETITION NO.3410/2022
(CNR.No.TNSA010054792022)

Ponnusamy (55, S/o Pichan	... Petitioner/Accused.
Vs	
State by: The Sub Inspector of Police, Kariyakovil P.S. Cr.No.35/2022.	... Respondent / Complainant.

This petition is filed on 11.10.2022 U/s 439 of Code of Criminal Procedure to grant bail to the petitioner.

This petition is filed by Thiru.S.Srinivasan, Counsel for the petitioner and the Public Prosecutor for the respondent, after perusing the averments, this Court delivered the following:

O R D E R

Heard both sides and perused the records.

This petition is filed by Counsel for the petitioner/accused U/s 439 of Cr.P.C., seeking bail. The petitioner was remanded to judicial custody on 19.09.2022 for the alleged offences U/s 4(1)(a) and 4(1-A) of TNP Act.

The learned counsel for the petitioner would submit that the petitioner is in judicial custody for the past 25 days. The alleged offence against the petitioner is that he is in possession of 10 litres of spurious liquor. Hence he prays to release the petitioner on bail on any conditions.

On the other hand the learned Public Prosecutor would submit that the petitioner is already having 2 cases at his credit in Cr.No.25/2022 and 23/2022.

Considering the facts and circumstances and considering the incarceration period of the petitioner, this court is of the view that further detention of the petitioner in judicial custody is not necessary, hence this court is inclined to release the petitioner on bail with the following conditions:

1. that the petitioner is ordered to be released on bail on his executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate, No.I, Attur;
2. that the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass book to ensure their identity;
3. that the petitioner shall appear and sign before the respondent police daily at 10.00 a.m., until further orders and on further condition that he shall make available himself for interrogation as and when required by the investigation Officer;
4. that the petitioner shall not tamper with evidence or witness either during investigation or trial;
5. that the petitioner shall not abscond either during investigation or trial;
6. that 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) ;

7. If the accused thereafter absconds, a fresh FIR can be registered U/S. 229 A IPC.

As such this petition is allowed.

Pronounced by me in Open Court, this the 13th day of October, 2022.

Sd /- S.Jeganathan,
Principal Sessions Judge (i/c),
I Additional Sessions Judge,
Salem

Copy to the Judicial Magistrate, No.I, Attur.

Copy to the Supdt. Of Jail in which the accused is confined.

Copy to the Sub Inspector of Police, Kariyakovil P.S.