

IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.

PRESENT: Thiru.R.Shanmugasundaram, B.Com., L.L.B.,
Principal District and Sessions Judge,
Ramanathapuram.

திருவள்ளூர் ஆண்டு 2052 தமிழ் ஸ்ரீ பிலவ ஆண்டு ஆடி மாதம் 04-ம் நாள் செவ்வாய்கிழமை

Tuesday, the 20th day of July 2021

Cr.M.P.No. 1447 of 2021

Sakthikumar, aged about 40 years, S/o. Pandi, Kamarajarpuram, Sikkal, Sikkal Post,
Kadaladi Taluk, Ramanathapuram District.

...Petitioner/accused

/vs/

State, through the Inspector of Police,
Sikkal P.S.
in Cr.No. 108/2021

...Respondent/Complainant

For petitioner : Thiru.M.Jothimurugan, Advocate.
For respondent : Thiru.K.N. Karunakaran, Public Prosecutor,

E.BAIL PETITION FILED FOR BAIL U/S 439 Cr.P.C.
ORDER

The e.bail application is filed by the Petitioner/Accused in Cr.No. 108/2021 on the file of the respondent police. Notice for the said e.bail application is given to the Learned Public Prosecutor.

The e. bail application is taken for hearing in view of the country wide lock-down announced by the Union Government and the State Government in view of COVID-19 threat perception and hearing of the bail application is made through Microsoft Teams Meet, sitting in open Court and connected through Microsoft Teams Meet to connect to both sides counsels through the technology support of the System Officer.

Both sides arguments were heard through Microsoft Teams Meet Call.

The respondent police has filed a case against the petitioner in Crime No. 108/2021 under sections 4 (1) (aaa) r/w (1) (A) of Tamil Nadu Prohibition Act.

The case of the prosecution is that the petitioner illegally possessed poisonous toddy on 24.06.2021.

The learned counsel for the petitioner would submit that the petitioner has falsely been implicated in this case and the petitioner is an innocent. The alleged recovery of properties have been made by the prosecution agency is not in accordance with law. Further, it is not possible to a single accused to tap 120 liters of toddy from the palm tree. The entire prosecution story is an imaginary one. He is in no way connected with this case and he has no previous case. Further, the petitioner was arrested and remanded on 24.06.2021 and he is in judicial custody for the past 27 days. Further, the petitioner already filed a bail petition before this Court in CrI.M.P.No. 1378 of 2021 which was dismissed on 13.07.2021. Further, the property was recovered and material part of the investigation is completed and he prays to grant bail to the petitioner.

Per-contra, the learned Public Prosecutor has submitted that the petitioner is the sole accused in this case. The Sub-inspector of Sikkal Police Station alongwith the police party went to the Kamarajarpuram, at that time they found the accused herein has illegally possessed 120 liters poisonous toddy in 4 plastic canes. Therefore, he was arrested and red-handed. Further, the petitioner has already involved in 16 prohibition cases out of which 6 cases were convicted and steps have been taken to initiate to against him under Section 14 of Goondas Act. Further, the property was recovered and the investigation is not yet been completed. If he will be released on bail, he will commit the similar offence and hamper the investigation and the earlier bail petition was dismissed by this Court. Hence, he strongly objected to grant bail to the petitioner.

Upon consideration of both side submissions, the grave nature of offence, possibility of committing the similar offence, and hampering the investigation, the

Investigation is not yet been completed and there is no change of circumstances from the earlier dismissal order, this Court is not inclined to grant bail to the petitioner.

Hence, this petition stands dismissed.

Pronounced by me in open Court this the 20th day of July 2021.

Sd/- R.Shanmugasundaram,

Principal District and Sessions Judge,
Ramanathapuram.

Copy to

The learned District Munsif-cum-Judicial Magistrate, Kadaladi.

The learned Public Prosecutor,

The Inspector of Police, Sikkal P.S.

The Advocate concerned.