

IN THE COURT OF VACATION SESSIONS JUDGE, DINDIGUL

**PRESENT: Selvi. M.K. Jamuna, M.L.,
Vacation Sessions Judge, Dindigul.**

Thursday, the 27th day of May 2021

CV CrI.M.P. No.19/2021

Nagarathinam, 40/2021
S/o. Raman

: Petitioners/A2

/vs/

State through
Inspector of Police, Ayakudi PS.
Cr. No. 90/2021

: Respondent/Complainant

This e-bail petition is coming on this day for hearing before me in the presence of Thiru.K.T.Bathra, Advocate for the petitioner and of Thiru. R.Manoharan, Public Prosecutor for the state are on record and on considering the online submissions of either side and on perusal of available records, this court passed the following

ORDER

The petitioner/A2 filed petition U/s. 439 Cr. P.C. to enlarge him on bail in the case in Cr. No.90/2021 of respondent Police Station for the alleged offence U/s. 4(1-A) of TNP Act. The occurrence took place on 29.3.2021 and the /petitioner/A2 was remanded on the same day.

The learned counsel for the petitioner/A2 would contend that this is second petition, that there is no nexus between the petitioner and the alleged occurrence, that he has not committed any offence, that this case has been falsely foisted by the respondent police for statistical purpose only, that the petitioner was arrested and remanded on 29.3.2021 and he is in Judicial custody for the past 60 days, that the co-accused A1 was enlarged on bail by Hon'ble Madurai Bench of Madras High Court in CrI.O.P.(MD) No.6275/2021 dated 30.4.2021, that the investigation of this case has already been completed, that the petitioner is having permanent abode, if he is released on bail, he will not abscond and he prays to grant bail to the accused.

The learned Public Prosecutor for the State vehemently raised objection by stating that on 29.3.2021 at about 11.30 a.m., while the respondent police party was on patrolling and reached at the place New Ayyakudi Chinnamparai, they found that the A2 was in illegal possession of 9 Nos. of 180 ml. Top Star brandy bottles without any permit or licence for the purpose of retail sales with foul smell and on further enquiry A2 confessed that A1 given the brandy bottles to the A2 to sell the same for higher value and thereby they committed the offence U/s. 4(1-A) of TNP Act, hence the case.

Online submission of either side heard. Records perused. No doubt, the petitioner's earlier petition was dismissed on 15.4.2021. The petitioner/A2 was arrested for the offences alleged U/s. 4(1-A) of TNP Act. Considering the facts and circumstances of the case and also the facts that the co-accused A1 was enlarged on bail by Hon'ble Madurai Bench of Madras High Court in Crl.O.P. (MD) No.6275/2021 dated 30.4.2021 and on considering the period of incarceration and on considering the prevention measure of COVID-19 Pandemic and the urgent need and necessity to ensure social distancing and upon considering the facts and circumstances of the case, this Court inclines to grant bail to petitioner/A2. Bail is granted to the petitioner/A2 on strict compliance of the following conditions.

1. The petitioner/A2 is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable amount, without prejudice of his rights, to the account of "Dean, Dindigul Medical College Head Quarters Hospital, Dindigul - 624 001 - **Account No.5616101004223 / IFSC Code No.CNRB0005616 (Canara Bank, Salai Road, Dindigul Branch) on or before 3.6.2021** for Corona Relief Activities. The Hospital Authorities are instructed to utilize the said amount to improve infrastructure facilities of the hospital.
2. After making payment and on production of copy of acknowledgment for payment, the petitioner/A2 is ordered to be released on bail on executing his own bond for a sum of Rs.1,000/- before Superintendent of Prison concerned.
3. The petitioner/ A2 is directed to surrender before the learned Judicial Magistrate, Palani **in between the period from 19.07.2021 to 02.08.2021** and execute his own bond for a sum of Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Magistrate concerned without fail, failing which the bail shall stand cancelled automatically.
4. The petitioner/ A2 shall make himself available for interrogation by the police officer as and when required.
5. The petitioner/ A2 shall not tamper with evidence or witness either during investigation or trial.
6. The petitioner/ A2 shall not abscond either during investigation or trial.

Pronounced by me, this the 27th day of May 2021.

**Sd/- M.K.Jamuna
Vacation Sessions Judge,
Dindigul**

➤ Since this bail order is electronically generated, does not require signature and court seal.

➤ This order is available in E-Courts Official Web Site,
"<https://districts.ecourts.gov.in/case status/case number>"

Copy to

The Judicial Magistrate, Palani
The Public Prosecutor, Dindigul.

The Inspector of Police, Ayakudi PS.,

Thiru.K.T.Bathra, Advocate
for the petitioner.

The Superintendent, District Jail, Dindigul.

To ensure social distancing, they are requested to download the order from the official web site link.