

IN THE COURT OF VACATION SESSIONS JUDGE (PRINCIPAL SESSIONS JUDGE)
RAMANATHAPURAM.

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

திருவள்ளூர் ஆண்டு 2052 தமிழ் ஸ்ரீ பிலவ ஆண்டு சித்திரை மாதம் 30-ம் நாள் வியாழக்கிழமை

Thursday, the 13th day of May 2021

Cr.M.P.No. 16 of 2021

Arasakumar, aged about 23 years, S/o. Sangar, Velar Street, Urapuli, Paramakudi
Taluk, Ramanathapuram District.

...Petitioner/Accused

/vs/

State, through the Inspector of Police,
Paramakudi Town P.S.
in Cr.No. 246/2021

...Respondent/Complainant

For petitioner : Thiru.S.Chellamani, Advocate.
For respondent : Thiru.K.N.Karunakaran, Public Prosecutor

**PETITION FILED ON 04.05.2021 FOR BAIL U/S 439 Cr.P.C.
ORDER**

The bail application is filed by the Petitioner/Accused in Cr.No. 246/2021 on the file of the respondent police. Notice for the said bail application is given to the Learned Public Prosecutor.

The 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 Jitsi Meet, sitting in open Court and connected through Jitsi Meet to connect to both sides counsels through the technology support of the System Officer.

Both sides arguments were heard through Jitsi Meet Call.

The respondent police has filed a case against the petitioner in Crime No. 246/2021 under sections 4 (1) (a), 4 (1) (i), 4 (1-A) TNP Act.

The case of the prosecution is that on 28.04.2021, based on an information

received by the respondent police, when the respondent police arrived the spot, the petitioner illegally possessed 7 bottles each have 180 ml quantity without any valid licence and permission.

The learned counsel for the petitioner would submit that the petitioner has falsely been implicated in this case and the petitioner is an innocent. He has no previous case and he is in no way connected with this case and a false case has been foisted against him. Further, the petitioner was arrested and remanded on 28.04.2021 and he is in judicial custody for the past 16 days. Further, the petitioner already filed a bail petition before this Court in CrI.M.P.No. 1134 of 2021 which was dismissed on 30.04.2021. The property was recovered and most of the investigation is completed and he prays to grant bail to the petitioner.

The learned Public Prosecutor has submitted that the petitioner is the sole accused in this case. On 28.04.2021, based on an information received by the respondent police, when the respondent police arrived the spot, the petitioner illegally possessed 7 bottles each have 180 ml quantity without any valid licence and permission. He was arrested and red-handed. The property was recovered and the investigation is under progress and he has no previous case and an earlier bail application was dismissed by this Court. Hence, he opposed for granting bail to the petitioner.

Considering both side submissions, the nature of offence, period of incarceration, recovery of property and progress of investigation, this Court is inclined to grant bail to the petitioner with conditions.

Accordingly, the petitioner is hereby granted bail on execution of own bond for Rs.20,000/- and on further condition that:

1) the petitioner shall appear before the learned Judicial Magistrate, Paramakudi on 17.06.2021 at 10.00 a.m. and execute a fresh bond for a sum of

Rs.20,000/- with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned.

- 2) after execution of sureties, the petitioner shall appear and sign before the respondent police daily at 10.00 a.m. until further orders.
- 3) the petitioner shall not tamper with evidence or witness during the trial.
- 4) the petitioner shall not abscond during the trial.
- 5) If the petitioner fails to comply the above said conditions, the bail order shall stand cancelled automatically.
- 6) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court as the case may be, is entitled to take appropriate action against the petitioner in accordance with Law as if the conditions imposed have been violated 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).

Pronounced by me in open Court this the 13th day of May 2021.

Sd/- R. Shanmugasundaram,
Vacation Sessions Judge,
Principal District and Sessions Judge,
Ramanathapuram.

Copy to
The Judicial Magistrate, Paramakudi
The Public Prosecutor, Ramanathapuram.
The Inspector of Police, Paramakudi Town P.S.
The Advocate concerned

The Superintendent, District Prison, Ramanathapuram.

