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CrI.OP.No.18702 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.18702 of 2022

Kandhan

...Petitioner

Vs.

State represented by
Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.
(Crime No.303 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.303 of 2022 on the
file of the respondent.

For Petitioner

:Mr.J.Jawahar

For Respondent

:Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.07.2022 for the offences punishable under Sections 4(1)(i), 4(1)(aaa) read with Section 4(1-A) of TNP Act and 353 of IPC in crime No.303 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner was found in possession of 110 litres of ID arrack. Hence, the complaint.

3. The learned Additional Public Prosecutor submitted that there are fourteen previous cases pending against the petitioner. He further submitted that the petitioner was detained under Goondas.

4. However, the learned counsel for the petitioner produced the revocation order passed by this Court in HCP.No.173 of 2022 dated 05.07.2022. Hence, he prays for grant of bail to the petitioner.



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4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of their arrest i.e., 15.07.2022, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No.I, Nagapattinam** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall stay at Sriperumbudur and report before the Sriperumbudur Police Station twice daily at 10.30.a.m., and 04.30.p.m., for a period of four weeks and thereafter report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., for a period of six weeks and thereafter as and when required for interrogation.



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[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

10.08.2022

Sma



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To

1. Judicial Magistrate,
Nagapattinam
2. Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.
3. District Jail,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

Sma

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