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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2022

CORAM

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

Crl.OP.No.20764 of 2022

S.Kumaran ..Petitioner

Vs.

State:
The Inspector of Police,(Law & Order)
H-5 New Washermenpet Police Station,
New Washermenpet,
Chennai-600081.
(Cr.No.484/2022) ..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.484/2022 on the file of Inspector of Police, H-5 New Washermenpet Police Station, Chennai.

For Petitioner : Mr.G.Mohana Krishnan

For Respondent :Mr.A.Damodaran,
Additional Public Prosecutor

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.07.2022 for the offence under Sections 4(1-A) and 4(1-a) of Tamilnadu Prohibition Act in crime No.484 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found in possession of 139 brandy bottles. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 21.07.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there are 14 previous cases pending as

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against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e.,21.07.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the **petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148,** and on such deposit the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **two sureties,** each for a like sum to the satisfaction of the **XV MM Court George Town at Chennai** 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

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their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148 and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall stay at Dharmapuri and report before the Inspector of Police, Dharmapuri Town Police Station twice daily at 10.30 a.m. and 5.30 p.m. for 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 four weeks and thereafter as and when required for interrogation.

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

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

[f] 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

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of Kerala [(2005)AIR SCW 5560].

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

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mpl

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G.K.ILANTHIRAIYAN, J.

mpl

To

1.The XV MM Court George Town at Chennai.
2.The Inspector of Police,(Law & Order)
H-5 New Washermenpet Police Station,
New Washermenpet,
Chennai-600081.
3.Puzhal Prison, Chennai.
4.The Public Prosecutor,
High Court of Madras.

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