



Crl.O.P.No.23684 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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1. Prabu

2. Kamaraj

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.

(Crime No.80/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime No.80
of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.V.Gunasekar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.07.2022 for the offences punishable under Sections 4(1)(A), 4(1)(aaa) of TNP Act, in Crime No.80 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the respondent police and their team were on their routine patrol duty, they found that the petitioners had illegally transported 120 litres of illicit ID arrack. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that pursuant to the detention orders passed by the District Collector and District Magistrate in No.C2/35/2022 & No.C2/34/2022 respectively vide orders dated 31.07.2022, the petitioners were detained under Act 14 and subsequently, since the Advisory Board did not find any sufficient cause for their detention, the detention orders were revoked by the Government vide Government orders G.O.Rt.No.6132 and G.O.Rt.No.6131, Home, Prohibition



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and Excise (XIV) Department, dated 19.09.2022 respectively. He would also submit that the petitioners have been in custody from 02.07.2022 and therefore, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners were illegally transported the 120 ltrs of illicit ID arrack. He would also submit that there is one previous case against each of this petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record including the revoked order passed by the Government.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and considering the incarceration period undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate I, Sankarapuram**, 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 petitioners shall report before the respondent Police everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***;



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

30.09.2022

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To

1. The Judicial Magistrate I,
Sankarapuram.
2. The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.
3. The Central Prison.
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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