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Crl.OP.No.24400 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.24400 of 2022

Dhavamani

... Petitioner

Vs.

State rep. By,
The Inspector of Police,
Keevalur Police Station,
Nagapattinam District
(Crime No.95/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.95 of 2022 pending
investigation on the file of the Respondent.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.Raja Kumar

Additional Public Prosecutor



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 19.09.2022 for the offences punishable under Sections 4(1)(aaa), 4(1-A) of TNP in Crime No.95 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that, when the Respondent Police were on Patrol Duty, the Petitioner was found to be in possession of 110 litres of ID arrack. Hence, the case.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent and he had been falsely implicated in this case. He would submit that without prejudice to his contentions, the Petitioner is prepared to deposit an amount of Rs.50,000/- to any Welfare Scheme of the Government. Therefore, he prays for grant of bail to the Petitioner.



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4. The learned Additional Public Prosecutor appearing for the Respondent would submit that the Petitioner was in possession of 110 litres of ID arrack. He would further submit that there are 79 previous cases pending against the Petitioner. Hence, he vehemently opposed to grant bail to the Petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Taking into consideration of the submission of the learned Counsel for the Petitioner and the objection made by the learned Additional Public Prosecutor and also taking note of the fact that the Petitioner has come forward to deposit an amount of Rs.50,000/- to any Welfare Scheme of the Government, this Court is inclined to grant bail to the Petitioner.

7. Accordingly, the Petitioner shall deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** by way of Demand Draft to the **Dean,**



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Government Hospital, Nagapattinam District, and on such deposit, the Petitioner is ordered to be released on bail on 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 **learned Judicial Magistrate No.I, Nagapattinam**. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate No.I, Nagapattinam shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall



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on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

Sma/Shk

To

1. The learned Judicial Magistrate No.I,
Nagapattinam.
- 2.The Inspector of Police,
Keevalur Police Station,
Nagapattinam District
3. The District Prison,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

Sma/Shk

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