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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

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THE HONOURABLE **MRS. JUSTICE T.V.THAMILSELVI**

CRL.O.P.No.31744 of 2022

Nagappan

... Petitioner

Versus

State Rep by
The Inspector of Police,
Thirukkuvalai Police Station,
Nagapattinam District,
(Crime No.166 of 2022)

... Respondent

Prayer:-Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in connection with Crime No.166 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Elumalai

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.12.2022 for the offence under Sections 4(1)(i), 4(1)(aaa) r/w 4(1-A) of



TNP Act in Crime No.166 of 2022 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal transportation 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 person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody for more than 15 days. However, on instructions, the learned counsel would submit that the petitioner, on his own volition, is ready and willing to contribute a sum of **Rs.10,000/-** to any Charitable Purpose as may be directed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was found in illegal transportation of 110 litres of ID arrack. He would submit that there are four previous cases pending against the petitioner. He would further submit that



the investigation is almost completed. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and the circumstances of the case and also considering that the investigation is almost completed and that the petitioner, on his own volition has willfully agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, 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 **learned Judicial Magistrate – II, Nagapattinam**, and on further conditions that:

[a] the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten thousand only) to the Registered Advocates Clerks Association, Nagapattinam**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

[b] the petitioner and 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.

[c] the petitioner is directed to report before the respondent police



daily at 10.30 a.m., for a period of eight weeks and thereafter appear before the trial Court on all hearing dates;

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

[e] the petitioner shall not abscond 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 of Kerala [(2005)AIR SCW 5560]**.

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

22.12.2022

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Copy to:

1. The Judicial Magistrate No.II, Nagapattinam
- 2.The Inspector of Police,
Thirukkuvalai Police Station,
Nagapattinam District.
3. The Sub-Jail, Nagapattinam.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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T.V.THAMILSELVI, J.
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