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CrI.OP.No.10062 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

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

CrI.OP.No.10062 of 2023

Vivin

... Petitioner

Vs.

State Rep. by the
Inspector of Police,
Kilvelur Police Station,
Nagapattinam District
crime No.277 of 2023

... Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in crime No.277 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.P.Muthamizhselvakumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.04.2023 for the offences punishable under Section 4 (1) (i), 4(1)(aaa) r/w 4(1-A) of TNP Act in Crime No.277 of 2023 on the file of the respondent police, seeks bail

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

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has 8 previous cases. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the submissions of the counsel appearing on either side and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall donate a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of “LOVERS OF TRUTH, UNITY & SERVICE”, A/c. No.611901075128, IFS Code: ICIC0006119, Cell No.9600416555 by producing his Aadhar number, PAN number and address. On such donation, 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 learned District Munsif cum Judicial Magistrate Court, Kilvelur 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 donate a sum of Rs.10,000/- (Rupees Ten Thousand only), to the credit of the “LOVERS OF TRUTH, UNITY & SERVICE”, A/c. No.611901075128, IFS Code: ICIC0006119 by



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producing his Aadhar number, PAN number and address. The receipt of such donation shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter report before the respondent police 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 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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G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned District Munsif cum Judicial Magistrate Court,
Kilvelur
- 2.Inspector of Police,
Kilvelur Police Station,
Nagapattinam District
- 3.“LOVERS OF TRUTH, UNITY & SERVICE”
LOTUS Home,
855, Rohini Gardens,
Periya Pudur,
Salem 636 016
- 4.District Prison,
Nagapattinam
- 5.The Public Prosecutor,
High Court of Madras

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04.05.2023