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CrI.O.P.No.10879 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.10879 of 2023

Kanakaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Prohibition Enforcement Wing,
Krishnagiri District.

(Crime No.372 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner/accused on bail, in Crime No.372 of 2023,

pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 30.04.2023, for the offence punishable under Sections 4(1) (aa) r/w 4(1-



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A) of Tamil Nadu Prohibition Act, in connection with Crime No.372 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they found that the accused along with other accused was found in illegal possession of 575 pockets of liquor in the two wheeler bearing registration No.TN 83 T 8492. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is no way connected with the alleged offence and he is in custody from 30.04.2023. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with other accused was found to be in illegal possession of 575 pockets of liquor in the two wheeler bearing registration No.TN 83 T 8492. He further submitted that there is no previous case pending against the petitioner. Hence, he opposed for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

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

7. 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 the **learned Judicial Magistrate No.II, Krishnagiri**, 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 report before the respondent Police, everyday at 10.30 a.m., until further orders;

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



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[d] the petitioner 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 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]*;

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

10.05.2023

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To

1. The Judicial Magistrate-II,
Krishnagiri.
2. The Inspector of Police,
Prohibition Enforcement Wing,
Krishnagiri District.
3. The Sub Jail,
Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J

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