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CrI.O.P.No.11429 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HON'BLE MR. JUSTICE A.A.NAKKIRAN

CrI.O.P.No.11429 of 2023

Elumalai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
PEW Polur Police Station,
Tiruvannamalai District.
(Crime No.441 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.441 of 2023, pending
investigation on the file of the respondent Police.

For Petitioner : M/s S.Nishanthi

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.05.2023, for the offences punishable under Sections 4(1)(a) r/w 4(1-A)ii of Tamil Nadu Prohibition Act, in Crime No.441 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in



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illegal possession of 40 litres of ID arrack. Hence the case.

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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 further submitted that the petitioner is in custody from 02.05.2023. Hence, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner was found in illegal possession of 40 litres of ID arrack. He further submitted that there are three previous cases pending against the petitioner. He also submitted that steps are being taken to detain the petitioner under the Goondas Act. Hence, he vehemently opposed for grant of 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.

6. Taking into consideration the facts and circumstances of the case,



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the submissions made by the learned counsel on either side and also taking note of the period of incarceration from 02.05.2023, 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.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Polur** 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 and 06.00 p.m, until further orders;

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

[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



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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.

18.05.2023

mn/Lpp

To

1. The Judicial Magistrate,
Polur.
2. The Inspector of Police,
PEW Polur Police Station,
Tiruvannamalai District.
3. The Sub Jail,
Polur.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN.,J.

mn

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