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Crl.OP.No.11755 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2023

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THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11755 of 2023

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... Petitioner/A2

Vs.

State represented by,
The Inspector of Police,
Villupuram West Police Station
(Crime No.104 of 2023)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.104 of 2023 on the file of the respondent police.

For Petitioner : Mr.D.Balaji

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 14.05.2023 for the offence punishable under Sections 4(1)(a) read with 4(1-A) of Tamil Nadu Prohibition Act in Crime No.104 of 2023 on the file of the Respondent Police, seeks bail.

2.The case of the prosecution is that the respondent police was on regular patrol, the petitioner and other accused persons were found in possession of 10 litres of ID Arrack. Hence, the complaint.

3.The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that co-accused/ A1 has been granted bail before this Court in Crl.O.P.No.9985 of 2022 on 04.05.2023. He would also submit that he has been suffering incarceration from 14.05.2023. Hence, he seeks to grant bail to the petitioner.



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4. The learned Government Advocate(Crl.Side) appearing for the Respondent Police submitted that the petitioner and other accused persons were found in possession of 10 liters of I.D. Arrack. He further submitted that there are 11 previous cases pending against the petitioner and in all other cases he has been granted bail. However, he vehemently opposed to grant bail to the Petitioner.

5. Heard the learned counsel for the petitioner and the learned Govt. Advocate (Crl.Side) appearing for the respondent police and perused the materials available on record.

6. Considering the submissions made by the learned counsels on both sides and the co-accused also granted bail and considering the period of incarceration suffered 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, one surety shall be a blood surety, each for a like sum to



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the satisfaction of the learned Judicial Magistrate No-I, Villupuram District,
and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall co-operate with the pending investigation and 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.



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(f) the learned Judicial Magistrate/Trial Court shall 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.

24.05.2023

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To

- 1.The Judicial Magistrate No.I
Villupuram District.
- 2.The Inspector of Police,
Villupuram West Police Station,
Villupuram District.
- 3.The Prisoner,
Special Prison for Women, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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SATHI KUMAR SUKUMARA KURUP,J.

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