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Crl.OP.No.11785 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11785 of 2023

Susila
W/o.Thirumalai

... Petitioner

Vs.

State represented by
Inspector of Police
P.E.W. Thiruvannamalai Police Station
Thiruvannamalai Dist.
(Crime No.436 /2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail pending investigation in Crime
No.436 of 2023 on the file of the Respondent police.

For Petitioner : Mr.R.Balakrishnan

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) ii of Tamilnadu Prohibition Act and Sections 6 and 7 of RS Rules Act, 2000 in Crime No.436 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that when the respondent police was in regular check up the petitioner was in possession of 10 liters of I.D. Arrack. Hence the case.

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 submit that petitioner is in judicial custody from 14.05.2023. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate appearing for the Respondent submitted that the petitioner was in possession of 10 liters of I.D. Arrack. He further submitted that there was no previous case against the petitioner. However, he vehemently opposed to grant bail to the Petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate and perused the materials available on record.

6. Considering the submissions made by the learned Govt. Advocate and also 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 separate 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 the satisfaction of the learned **Judicial Magistrate, No.II, Thiruvannamalai** 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;



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(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.

(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



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can be registered under Section 229-A IPC.

24.05.2023

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To

1.The Judicial Magistrate No.II
Thiruvannamalai

2.The Inspector of Police,
P.E.W. Thiruvannamalai Police Station
Thiruvannamalai Dist.
(Crime No.436 /2023)

3.The Superintendent
The Special Prison for Women
Vellore

4.The Public Prosecutor,
High Court of Madras
Chennai 600 104.

SATHI KUMAR SUKUMARA KURUP,J.



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24.05.2023