



Crl.OP.No.11903 of 2023

WEB COPY

**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.11903 of 2023**

Elumalai  
S/o.Kannu Goundar

... Petitioner

**Vs.**

State by the  
Inspector of Police  
Tiruvannamalai Town Police Station  
Tiruvannamalai District  
(Crime No.229 of 2023)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the Petitioner/sole accused on bail pending investigation  
in Crime No.229 of 2023 on the file of the respondent-police.

For Petitioner : M/s. M.Rebecca

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 15.05.2023 for the offences punishable under Sections 4(1)(a), 4(1-A) ii of Tamil Nadu Prohibition Act in Crime No.229 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that on 15.05.2023, the Petitioner was found in illegal possession of 15 liters of Illicit arrack. Hence, this 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 the Petitioner is in judicial custody from 15.05.2023. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the Respondent vehemently opposed for grant of bail to the petitioner stating that there are seven previous cases pending against the Petitioner.



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5. Heard the learned counsel for the Petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances 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 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.1, Tiruvannamalai, 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 report before the respondent Police everyday at 10.30 a.m., until further orders;**



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(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 can be registered under Section 229-A IPC.

**24.05.2023**

sma/jas



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To

1. Judicial Magistrate No.1, Tiruvannamalai.
- 2.The Inspector of Police  
Tiruvannamalai Town Police Station  
Tiruvannamalai District
3. Central Prison, Vellore
4. The Public Prosecutor,  
High Court of Madras.



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**SATHI KUMAR SUKUMARA KURUP,J.**

*sma/jas*

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**24.05.2023**