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Crl.OP.No.12013 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.12013 of 2023

Murugan

... Petitioner

Vs.

State rep- by
Inspector of Police,
P.E.W, Police Station,
Tiruvannamalai District.
Crime No.408/2023

... 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.408 of 2023 on the file of respondent.

For Petitioner : Mr.I.Hemnaag

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



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Crl.OP.No.12013 of 2023

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 30.04.2023 for the offences punishable under Sections 4(1)(a), 4(1)(d) read with 4(1-A) ii of Tamil Nadu Prohibition Act, in Crime No.408 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that the petitioner was in possession of 15 litres of Illicit Arrack illegally. 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 also submit that the Petitioner has been suffering incarceration from 30.04.2023. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating that there are 2 previous cases pending against the Petitioner.



Crl.OP.No.12013 of 2023

WEB COPY

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

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 conditions 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;



Crl.OP.No.12013 of 2023

(b) the petitioner shall co-operate with the pending investigation and report before the respondent police, daily at 10.30 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 can be registered under Section 229-A IPC.

25.05.2023

ksa-2/ssi



Crl.OP.No.12013 of 2023

To
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1. The Judicial Magistrate No.1,
Tiruvannamalai.
2. The Inspector of Police,
P.E.W, Police Station,
Tiruvannamalai District.
3. The Sub Jail,
Tiruvannamalai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.12013 of 2023

SATHI KUMAR SUKUMARA KURUP,J.

ksa-2/ssi

Crl.O.P.No.12013 of 2023

25.05.2023