



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM:

THE HON'BLE **Dr. JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.13376 of 2023

1.Minor @ Veeramani
2.Sivakumar

.. Petitioners

Vs.

State rep. by
The Inspector of Police,
Vaduvoor Police Station,
Thiruvarur District.
(Cr.No.202 of 2023)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Cr.No.202 of 2023 on the file of the Inspector of Police, Vaduvoor Police Station, Thiruvarur District.

For Petitioners : Mr.Swami Subramanian

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



ORDER

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The petitioners/1st & 2nd accused, who were arrested on 14.05.2023 for the offences punishable under Sections 4(1)(aaa), 4(1)(g), 4(1-A) of Tamil Nadu Prohibition Act and Section 328 of IPC in Crime No.202 of 2023, seek bail.

2. According to the First Information Report, the petitioners were in possession of illicit arrack and from the 1st petitioner, 20 liters of ID arrack was recovered. Hence they were arrested on 14.05.2023.

3. The learned counsel for the petitioners submitted that the 1st petitioner is a HIV patient taking treatment in the ART Centre, Thanjavur and he is innocent and not involved in the alleged possession of ID arrack.

4. Though this Court is not convinced with the plea of innocence claimed by the petitioners, however, taking note of health condition of the 1st petitioner, bail granted to the 1st petitioner/Minor @ Veeramani and order to release him on bail subject to the following conditions;



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(a) the 1st petitioner shall execute a separate 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.I, Mannargudi, Thiruvarur District;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the 1st petitioner is directed to report before the **Investigating Officer daily at 10.30 a.m., until further orders;**

(d) the 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the 1st petitioner in accordance with law as if the conditions have been imposed and the 1st petitioner released on bail by the learned Magistrate/Trial Court him=self as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala*** [(2005)AIR SCW 5560];



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Dr.G.JAYACHANDRAN, J.

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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

5. As far as the 2nd petitioner/Sivakumar is concerned, bail petition is dismissed.

16.06.2023

rpl

To

- 1.The Judicial Magistrate No.I, Mannargudi, Thiruvarur District.
- 2.The Inspector of Police,
Vaduvoor Police Station,
Thiruvarur District.
- 3.The Superintendent of Prison,
Sub-Jail, Mannargudi.
- 4.The Public Prosecutor,
High Court, Madras.

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