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Crl.O.P.No.23039 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.23039 of 2023

Valarmathi

...Petitioner

Vs.

State represented by
The Inspector of Police,
Tiruvonnainallur Police Station,
Villupuram District.
(Crime No.562 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.562 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.S.D.Raghu

For Respondent : Mr.R. Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
21.08.2023 in Crime No.562 of 2023 for the offences punishable under Section
4(1)(a) and 4(1-A) of TamilNadu Prohibition Act, on the file of the respondent
police, seeks bail.



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2. The case of the prosecution is that the petitioner was found in possession of 10 litres of illicit arrack and 20 pouches of Allways Super Strong Indian Brandy of 180ML, on 21.08.2023. He was remanded to judicial custody on the same day. Hence, the case.

3. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case. He further stated that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) stated that the petitioner was found in possession of in possession of 10 litres of illicit arrack and 20 pouches of Allways Super Strong Indian Brandy of 180ML, on 21.08.2023 and also it is seen that petitioner has four previous cases pending against him. Thus, he prays for dismissal of this petition.



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5. Taking into consideration all these facts, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner shall pay a sum of Rs.15,000/- (Rupees fifteen Thousand only) by way of demand draft within a period of two weeks directly to "The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Villupuram District" and the same shall be used for needy patients and on such deposit the petitioner is ordered to be released on bail on condition to execute 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 **District Munsif cum Judicial Magistrate Court at Thiruvennainallur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.



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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

gvn/gd

06.10.2023



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To

- 1.The District Munsif cum Judicial Magistrate Court,
Thiruvannainallur.
2. The Inspector of Police,
Tiruvannainallur Police Station,
Villupuram District.
3. Central Prison for women,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

gvn/gd

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