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Cr.O.P.No.23005 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM

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

CrI.OP.No.23005 of 2023

Rajivgandhi @ Chinnakutty

...Petitioner

Vs.

State represented by
The Inspector of Police,
Polur Police Station,
Tiruvannamalai District.
(Crime No.404 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.404 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Nishanthi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.09.2023 in Crime No.404 of 2023 for the offences punishable under Section 4(1) (aaa) r/w 4(1-A) ii of TNP 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 120 litres of ID arrack, on 14.09.2023. He was remanded to judicial custody on 14.09.2023. 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 120 litres of ID arrack. It is stated by the learned counsel for the respondent that there are seven previous cases pending against this petitioner. Hence, he opposed to grant bail to the petitioner.

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



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6. Accordingly, 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 Judicial Magistrate, Polur, 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] On considering the submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees thirty thousand only) to the credit of "The Dean/Medical Officer, Government Hospital, Tiruvannamalai District". without prejudice to his rights and contentions before the trial court.

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

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



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[f] 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].

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

06.10.2023

gvn/gd

To

- 1.The Judicial Magistrate Court,
Polur,
2. The Inspector of Police,
Polur Police Station,
Tiruvannamalai District.
3. Sub-Jail,
Polur,
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

gvn/gd

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