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CrI.OP.No.23399 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

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

CrI.OP.No.23399 of 2023

L.Shanmugam,
S/o.Lakshmanan

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Karunya Nagar Police Station,
Coimbatore
(Crime No.24/2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.24 of 2023 on the file of the respondent police.

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.09.2023, for the offences punishable under Sections 4(1)(a), 4(1)(g) r/w 4(1)-(A) of Tamil Nadu Prohibition Act, in Crime No.24 of 2023, on the file of the respondent police, seeks bail.



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2.The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he is innocent and he has been falsely implicated in this case. Thus, he prays for grant of bail to the petitioner.

3.The learned Government Advocate (Criminal Side) submitted that the petitioner was found in possession of 20 litres of illicit arrack, which were prepared by him in his agricultural land situated at Iruttupallam Village. It is stated that there are two previous cases and one similar previous case pending against the petitioner herein. However, the earlier bail petition filed by the petitioner was dismissed by this Court.

4.Taking into consideration the long period of incarceration, this Court is inclined to grant bail to the petitioner subject to the payment of a sum of **Rs.25,000/- (Rupees twenty five thousand only) to the credit of the Dean, Government Hospital, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order.** Accordingly, petitioner is ordered to be released on bail on he executing a bond for a



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sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of **the Judicial Magistrate Court No.5, Coimbatore** 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 is directed to pay a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of the Dean, Government Hospital, Coimbatore within a period of two weeks from the date of receipt of a copy of this order.

[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.

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To

- 1.The Judicial Magistrate Court No.5, Coimbatore.
- 2.The Central Prison, Coimbatore.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police,
Karunya Nagar Police Station,
Coimbatore
(Crime No.24/2023)



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C.V.KARTHIKEYAN. J.

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