



Crl.OP.No.23861 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

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

Crl.OP.No.23861 of 2023

Prakash @ Kakaparakash
S/o. Gopal

... Petitioner

Vs.

State by
The Inspector of Police,
Marakkanam Police Station,
Villupuram District.
(Crime No.472 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail concerned in Crime No.472 of
2023 pending on the file of the respondent police.

For Petitioner : Mr.S.Vellidoss

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.09.2023 for the offences punishable under Sections 4(1)(i), 4(1)(aaa), 4(1-A) of of Tamil Nadu Prohibition Act, in Crime No.472 of 2023 on the file of the respondent police, seeks bail.

2. It is stated that the petitioner was caught while selling illicit arrack to the villagers and 140 litres of illicit arrack had been seized from the petitioner herein.

3. It is stated by the learned counsel for the petitioner that the petitioner was an innocent of the offence and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. It is stated by the learned Government Advocate (Crl. Side) for the respondent that there are four previous cases pending against the petitioner and 140 litres of illicit arrack had been recovered from the petitioner. He further stated that the investigation is still under progress.



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5. Taking into consideration the long period of incarceration undergone by the petitioner from 01.09.2023, this Court is inclined to grant bail to the petitioner with certain conditions;

6. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.20,000/- (Rupees Twenty Thousand only)** directly to the credit of "**The Dean/Medical Officer, Government Medical College and Hospital, Kancheepuram**", without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 Court – II, Tindivanam, 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.



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

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

[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.

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To

- 1.The Judicial Magistrate Court – II, Tindivanam.
- 2.Central Prison, Cuddalore.
- 3.The Inspector of Police,
Marakkanam Police Station,
Villupuram District.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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