



Crl.O.P.No.25592 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

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

**Crl.O.P.No.25592 of 2023**

Murugesan S/o. Balakrishnan

... Petitioner/Accused-1

Vs.

State by  
The Inspector of Police,  
Kilpennathur Police Station,  
Thiruvannamalai District.

(Crime No.462 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.462 of  
2023 on the file of the respondent police.

For Petitioner : Mr.T.Elumalai

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



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## ORDER

The petitioner seeks bail in Crime No.462 of 2023, registered by the respondent police for the offences punishable under Sections 4(1)(aa) & 4(1-A) (ii) of Tamil Nadu Prohibition Act.

2.The petitioner was found in possession of 55 litres of ID arrack on 15.09.2023. He had been taken into custody on that date.

3.The learned counsel for the petitioner states that the petitioner has been in custody for a considerable period of days.

4.On the side of the respondent, it is stated that there are 36 cases against the petitioner but this fact is disputed by the learned counsel for the petitioner, who draws the attention of this Court to the order of the learned Principal Sessions Judge, Tiruvannamalai, in which it had been stated that there are seven cases pending against the petitioner as on date.

5.Taking into consideration all these factors, I am inclined to grant bail to the petitioner subject to the following conditions:

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



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of the Judicial Magistrate No.Ii, Thiruvannamalai, 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.

[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.

08.11.2023

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**C.V.KARTHIKEYAN. J.**



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To

1. The Judicial Magistrate No.II, Thiruvannamalai.
- 2.The Sub-jail, Thiruvannamalai.
- 3.The Inspector of Police,  
Kilpennathur Police Station,  
Thiruvannamalai.
- 4.The Public Prosecutor,  
High Court of Madras.

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