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Crl.O.P.No.25023 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

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

Crl.O.P.No.25023 of 2023

Prabu S/o. Murugesan

... Petitioner/Accused-1

Vs.

State by
The Inspector of Police,
Chengam PEW Police Station
Tiruvannamalai District.

(Crime No.525 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.525 of
2023 on the file of the respondent police.

For Petitioner : Mr.Sathiyaraj.E

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



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ORDER

The petitioner seeks bail in Crime No.525 of 2023, registered by the respondent police for the offences punishable under Sections 4(1)(a) r/w 4(1-A)(ii) of Tamil Nadu Prohibition Act. He had been remanded to judicial custody on 26.09.2023 with respect to an earlier check by the respondent at Valayampattu Village on 24.08.2023, wherein the petitioner was found possessing plastic can. It was contained 20 litres of ID arrack. The petitioner had been then taken into custody in Crime No.662 of 2023 and after finding that it is the same petitioner, who was involved in possession of 20 litres of ID arrack even in Crime No.525 of 2023, the petitioner had been arrested.

2. In view of the facts and circumstances, I am inclined to grant bail to the petitioner herein subject to the following conditions:

3. 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-I, Tiruvannamalai, and on further conditions that:



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[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.

07.11.2023
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C.V.KARTHIKEYAN. J.



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To

1. The Judicial Magistrate-I, Tiruvannamalai.
2. The Central Prison, Vellore.
3. The Inspector of Police,
Chengam PEW Police Station,
Tiruvannamalai District.
4. The Public Prosecutor,
High Court of Madras.

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