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Crl.O.P.No. 24858 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2023

CORAM

THE HON'BLE MRS. JUSTICE R.KALAIMATHI

Crl.O.P.No.24858 of 2023

Gopinath

... Petitioner

Vs.

The State rep. by:-
The Sub Inspector of Police,
Ranipet – P.E.W Police Station,
Ranipet District.
(Crime No.652 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in Crime No.652 of 2023
pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.Arun kumar

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 02.10.2023, registered by the respondent Police for the offence under
Sections 4(1)(a), 4(1-A)(ii) of TNP Act, in Crime No.652 of 2023, seeks bail.



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2.The case of the prosecution is that the petitioner was found in illegal possession of 12 bottles of Old Chef Rum, 3 bottles of Old Chef Brandy and 2 bottles of Liquor (each bottles contain 180 ml). Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.10,000/- to any welfare scheme run by the Government and he is in judicial custody from 02.10.2023. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that the petitioner was found to be in illegal possession of 3060 ml of liquor. He further submitted that there are six previous cases of similar nature against the petitioner. Hence, he opposed for grant of bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.



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6. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) **by way of Demand Draft to the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai – 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch,** 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 his executing 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 **learned Judicial Magistrate, Ranipet** 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 on everyday at 10.00 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.

26.10.2023

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To

1. The Judicial Magistrate, Ranipet.
2. The Sub Inspector of Police,
Ranipet PEW Police Station,
Ranipet District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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R.KALAIMATH.J.,

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