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Crl.O.P.No. 25096 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

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

Crl.O.P.No.25096 of 2023

Pragasam

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Prohibition Enforcement Wing,
Uthangarai,
Krishnagiri District.
(Crime No.363 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.363 of 2023

pending on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner/A2 who was arrested and remanded to judicial custody on 13.10.2023, registered by the respondent Police for the offences



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under Sections 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.363 of 2023, seeks bail.

2.It is stated that the petitioner was found in illegal possession of 10 litres of ID arrack.

3.It is stated by the respondent that there are 10 previous cases against the petitioner, out of which, 5 cases have been disposed.

4.Taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

5.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)** directly to the credit of "**The Dean/Medical Officer, Government Medical College and Hospital, Krishnagiri**", 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 learned District Munsif cum Judicial Magistrate, Pochampalli 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.

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C.V.KARTHIKEYAN, J.

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To

1. The District Munsif cum Judicial Magistrate,
Pochampalli.
2. The Inspector of Police,
Prohibition Enforcement Wing,
Uthangarai, Krishnagiri District.
3. The Sub Jail, Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.

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