



CrI.O.P.No.26593 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM

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

CrI.O.P.No.26593 of 2023

Muthusamy
S/o.Chinnasamy

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.
(Crime No.239 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.239 of 2023 pending investigation on the file of the respondent police, on such terms and conditions.

For Petitioner : Mr.T.Maha Vishnu
for Mr.A.Gowtham

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



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ORDER

The petitioner seeks bail in Crime No.239 of 2023, registered by the respondent police for the offences punishable under Sections 4(1-A), 4(1)(a) of Tamil Nadu Prohibition Act. The petitioner had been remanded to judicial custody on 29.10.2023.

2.It is stated that the petitioner was found in possession of 10 litres of illicit Arrack.

3.It is further stated that there are nine previous cases but however, it is also stated that five had been disposed of.

4.Taking the entire facts into consideration, I am inclined to grant bail to the petitioner subject to the following conditions.

5.Accordingly, 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 Judicial Magistrate, Sankarapuram and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.



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[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.

24.11.2023

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C.V.KARTHIKEYAN. J.

rjr

To

1. The Judicial Magistrate, Sankarapuram.
2. Sub Jail, Kallakurichi.
3. The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.
4. The Public Prosecutor,
High Court of Madras.

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