



Crl.O.P.No.26802 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

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

Crl.O.P.No.26802 of 2023

1.Prakash

S/o.Murugesan

2.Jaganathan

S/o.Murgaiyan

3.Radhakrishnan

S/o.Vengataswamy

...Petitioners/Accused Nos.2 to 4

Vs.

State rep. by

The Inspector of Police,

PEW Gudiyatham Police Station,

Gudiyatham, Vellore District.

(Crime No.711 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on Bail pending investigation in Crime No.711 of 2023 on the file of the Inspector of Police, PEW Gudiyatham Police Station, Gudiyatham, Vellore District.

For Petitioners : Mr.G.Vinodhkumar

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



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ORDER

The petitioners seek bail in Crime No.711 of 2023, registered by the respondent police for the offences punishable under Sections 4(1)(b), 4(1)(g), 4(1)(aa), 4(1-A) (ii) of TNP Act, with respect to an occurrence which took place on 08.11.2023.

2.It is stated that the petitioners A2, A3 and A4 were in possession of 60 litres of illicit arrack and 200 litres of F.wash.

3.With respect to the 1st petitioner there is one previous case and it had been disposed of and with respect to the 2nd and 3rd petitioners, there is no previous case.

4.Taking these facts into consideration and that the period of incarceration, I am inclined to grant bail to the petitioners subject to the following conditions:

5.Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Gudiyatham and on further conditions that :-



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[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.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

27.11.2023

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C.V.KARTHIKEYAN. J.

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To

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

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