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CrI.OP.No.27451 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2023

CORAM

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

CrI.OP.No.27451 of 2023

Surya

...Petitioner

Vs.

The State of Tamil Nadu,
Rep.by the Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.251 of 2023 on the file of the respondent police.

For Petitioner : Mr.M.Iliyas
For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal side)

ORDER

The petitioner seeks bail in Crime No.251 of 2023, registered under Sections 4(1-A) of Tamil Nadu Prohibition Act. The petitioner was taken into custody on 29.10.2023 with 10 bottles of illicit arrack.



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2.The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case. Thus, he prays for grant of bail to the petitioner.

3.It is stated that there are 14 previous cases pending against the petitioner herein. But except one which is under NDPS Act, the rest are under IPC offences. Taking into consideration the period of incarceration suffered by the petitioner and that there are no pending cases in similar nature, I am inclined to grant bail to the petitioner subject to the following conditions.

4. 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 **learned XVI Metropolitan Magistrate, G.T., Chennai**, and on further conditions that:

[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



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Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police 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.

06.12.2023

sli

C.V.KARTHIKEYAN, J.



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To

1. The XVI Metropolitan Magistrate, G.T., Chennai,
2. The Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai.
3. Central Prison, Puzhal.
4. The Public Prosecutor,
Madras High Court.

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