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Crl.O.P.No.28407 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

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

Crl.O.P.No.28407 of 2023

Gunapathi S/o. Asaithambi

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
Vaniyambodi Taluk Police Station,
Thirupathur District.

(Crime No.541 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.541 of 2023 on the file of
the respondent.

For Petitioner : Mr.E.Kannadasan

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



CrI.O.P.No.28407 of 2023

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ORDER

The petitioner seeks bail in Crime No.541 of 2023, registered by the respondent police for the offences punishable under Section 4(1)(a) & 4(1-A) of TNP Act.

2.The petitioner had been remanded to custody on 03.12.2023 with possession of 10 litres of illicit arrack.

3.It is also stated that there are five previous cases against the petitioner herein but two are pending but however, taking into consideration the period of incarceration and all other factors, 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 District Munsif cum Judicial Magistrate, Vaniyambadi, 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 Bank pass Book to ensure their identity.



Crl.O.P.No.28407 of 2023

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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.

21.12.2023

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C.V.KARTHIKEYAN, J.

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To

- 1.The District Munsif cum Judicial Magistrate, Vaniyambodi.
- 2.The Inspector of Police,
Vaniyambodi Taluk Police Station,
Thirupathur District.
- 3.The Sub-jai, Vaniyambodi.
4. The Public Prosecutor,
High Court of Madras.

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