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CrI.O.P.No.28877 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.28877 of 2023

M.Elaiyaraja S/o Manikkam

...Petitioner/Accused

Vs.

The Inspector of Police,
PEW Kallakurichi Police Station,
Kallakurichi District.
(Crime No.284 of 2023).

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.284 of 2023 on the
file of respondent police.

For Petitioner : Mr.T.Balachandran

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor
High Court of Madras.

ORDER

The petitioner seeks bail in Crime No.284 of 2023 on the file of
respondent police for the offences punishable under Sections 4(1)(A),



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4(1) (a), 4(1)(g) of T.N.P Act. The petitioner was arrested and remanded to custody on 03.12.2023.

2. The case of the prosecution is that the petitioner was found in possession of 25 litres of illicit arrack and 800 litres of wash. Hence, the case.

3. Learned counsel for petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner has nothing to do with the alleged offence and the petitioner is ready abide by any stringent condition imposed by this Court. Hence, he prays of grant of bail.

4. Learned Additional Public Prosecutor submitted that the petitioner was found in possession of 25 litres of illicit arrack and 800 litres of wash. The petitioner has three previous cases pending against him. Hence, he vehemently objected to grant bail to the petitioner.



5. Considering the nature of offence and also considering the period of incarceration undergone by the accused and the investigation has been almost completed, I am inclined to grant bail to the petitioner, subject to certain conditions.

6. 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 -1, Sangarapuram, Kallakurichi District 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 cards or Bank pass Books to ensure their identity;
- [b] the petitioner shall report before the Kachirapalayam Town Police Station, everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.
- [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;



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[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.

29.12.2023

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To

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



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P.DHANABAL, J.

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