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Crl.O.P.No.28847 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

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

Crl.O.P.No.28847 of 2023

1.Chelladurai S/o. Kuppusamy

2.Rajendran @ Dingri S/o. Kollimalai

... Petitioners/Accused

Vs.

The State represented by
The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur.

(Crime No.738 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.738 of 2023 on the file
of the respondent.

For Petitioners : Mr.R.Prabakar

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



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ORDER

The petitioners seek bail in Crime No.738 of 2023, registered by the respondent police for the offences punishable under Section 4(1)(a) & 4(1-A) of TNP Act.

2.The petitioners had been remanded to custody on 01.12.2023 with possession of 10 litres of Pondicherry arrack.

3.It is also stated that there is one previous case against the 1st petitioner and eight previous cases against the 2nd petitioner.

4.Taking into consideration the period of incarceration and all other factors, I am inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on condition to execute 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 Court, Thiruvavur, 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.



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[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.

22.12.2023

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C.V.KARTHIKEYAN, J.

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To

- 1.The Judicial Magistrate Court, Thiruvarur.
- 2.The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur.
- 3.The Central Prison, Trichy.
4. The Public Prosecutor,
High Court of Madras.

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22.12.2023