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Crl.O.P.No. 28975 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.28975 of 2023

Gopinath

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Omerabad Police Station.
Crime No.374 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner / Accused on bail in Crime No.374 of 2023
pending on the file of the respondent Police.

For Petitioner : Mr.D.Balaji

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor.

ORDER

The petitioner who was arrested and remanded to judicial custody
on 24.10.2023, seeks bail in Crime No.374 of 2023, which was registered by



CrI.O.P.No. 28975 of 2023

the respondent Police for the offences under Sections 4(1)(aaa) r/w 4(1-A)ii TNP Act.

2.The case of the prosecution is that the petitioner was found in illegal possession of 120 litres of country arrack. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody from 24.10.2023 and hence, he seeks for granting of bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that the petitioner was found in illegal possession of 120 litres of country arrack. She further submitted that there are 18 previous cases pending against the petitioner. Hence, she opposed for granting of bail to the petitioner.

5.At this juncture, the learned counsel for the petitioner submitted that in all those cases, the petitioner was already granted bail and hence, he seeks bail.

6.Heard both side and perused the materials available on record.

7.Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioner and



CrI.O.P.No. 28975 of 2023

also considering the quantity of contraband, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 Additional District Munsif-cum-Judicial Magistrate, Ambur, Tirupathur and on further conditions that:

[b] the petitioner shall report before the Inspector of Police, Vaniambadi Taluk Police Station, daily at 10.00 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].



CrI.O.P.No. 28975 of 2023

WEB COPY

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.12.2023

vkx/apd

To

1. The Additional District Munsif-cum-Judicial Magistrate,
Ambur, Tirupathur.
2. The Inspector of Police,
Omerabad Police Station.
3. The Inspector of Police,
Vaniambadi Taluk Police Station.
4. The Central Prison. Vellore.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No. 28975 of 2023

P.DHANABAL, J.

vkx/apd

Crl.O.P.No.28975 of 2023

28.12.2023