



Crl.O.P.No.531 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM

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

Crl.O.P.No.531 of 2024

Vishvanathan S/o. Chandirahasan

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Mailam Police Station,
Villupuram.

(Crime No.1055 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.1055 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioner : M/S.E.Brinda

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner seeks bail in Crime No.1055 of 2023, registered by the respondent police for the offence under Sections 4(1)(A) & 4(1)(a) of Tamilnadu Prohibition Act.

2.The petitioner had been remanded to custody on 15.12.2023 with possession of 50 litres of illicit arrack.

3.The objection raised is that there are 20 previous cases against the petitioner herein and that he is a History Sheeter but this has to be viewed independently. Taking into consideration the period of incarceration and the quantity of illicit arrack seized, I am inclined to grant bail to the petitioner with certain 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 Judicial Magistrate II, Tindivanam, and on further conditions that: -



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[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.

[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.

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C.V.KARTHIKEYAN. J.

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To

1. The Judicial Magistrate II, Tindivanam.
2. Sub Jail, Tindivanam.
3. The Inspector of Police,
Mailam Police Station,
Villupuram.
4. The Public Prosecutor,
High Court of Madras.

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