



Crl.O.P.No.1979 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

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

Crl.O.P.No.1979 of 2024

Balan @ Balasubramani

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Vaniyambadi PEW Police Station,
Vaniyambadi, Thirupathur District.

(Crime No.760 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.760 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.G.Vinodhkumar

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



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ORDER

The petitioner seeks bail in Crime No.760 of 2023, registered by the respondent for the offences under Sections 4(1)(aaa), 4(1-A)ii of TNP Act @ Sections 4(1) (aaa), 4(1-A) ii of TNP Act, r/w 328 of IPC. The petitioner had been remanded to custody on 23.12.2023 with possession of 105 litres of illicit arrack.

2.It is stated by the learned Government Advocate (Crl. Side) for the respondent that there are eight previous cases against the petitioner herein whereas, the learned counsel for the petitioner pointed out the order dismissing the application for bail by the Principal Sessions Judge, Vellore, wherein it is mentioned that there are two previous cases against the petitioner herein but, however, taking into consideration the period of incarceration and all other surrounding factors, I am inclined to grant bail to the petitioner subject to the following conditions:

3.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



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Thousand only) with two sureties, each for a like sum to the satisfaction of the 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.

[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, Vaniyambadi.
2. The Central Prison, Vellore.
3. The Inspector of Police,
Vaniyambadi PEW Police Station,
Vaniyambadi, Thirupathur District.
4. The Public Prosecutor,
High Court of Madras.

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