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Crl.O.P.No.2935 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

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

Crl.O.P.No.2935 of 2024

Ajith

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Prohibition Enforcement Wing,
Thirupathur, Thirupathur District.
Crime No.21 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.21 of 2024 on the file of
the respondent Police.

For Petitioner : Mr.R.Thulasi

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

ORDER

The petitioner/A1 who was arrested and remanded to judicial
custody on 10.01.2024 for the offences under Sections 4(1)(a), 4(1-A)(ii) of
TNP Act, in Crime No.21 of 2024 on the file of the respondent Police, seeks



bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 10 litres of ID arrack.

3.The learned Government Advocate (crl.side) stated that there is yet another accused namely A2, who is still absconding.

4.It is stated by the learned counsel for the petitioner that the petitioner does not know the details about A2.

5.Taking into consideration the period of incarceration and also considering the quantity of liquor seized, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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 No.II, Thirupathur 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.



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[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.

14.02.2024

vkr

To

1.The Judicial Magistrate No.II, Thirupathur.

2.The Inspector of Police,
Prohibition Enforcement Wing,
Thirupathur, Thirupathur District.

3.The Sub Jail, Thirupathur.

4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN,J.

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