



Crl.O.P.No.4104 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

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

Crl.O.P.No.4104 of 2024

1. Asokan
2. Lakshmipathi

... Petitioners

Vs.

The State represented by
Inspector of Police,
Tiruvannamalai P.E.W. Police Station,
Tiruvannamalai District
Crime No.288 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.288 of 2023 on the file
of the respondent Police.

For petitioners : Mr.E. Sathiyaraj

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

ORDER

The petitioners who were arrested and remanded to judicial custody
on 27.12.2023 for the offences registered under Sections 4(1) (aaa), r/w 4(1-



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A) (ii) of Tamil Nadu Prohibition Act r/w Sections 6 and 7 of RS Rules 2000 in Crime No.288 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioners were found in possession of 124 cans of illicit arrack each containing 35 liters.

3.Taking all the factors into consideration and also considering the period of incarceration undergone by the petitioners, I am inclined to grant bail to the petitioners subject to the following conditions:

4.Accordingly, the petitioners are ordered to be released on bail on condition to execute a 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 learned Judicial Magistrate-II, Tiruvannamalai 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders.

[c] the petitioners shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of the Dean, Government Hospital, Tiruvannamalai District for treatment of needy



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patients.

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

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

[f] 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 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].

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

21.02.2024

smn

C.V.KARTHIKEYAN,J.

smn

To



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WEB COPY

1.The Judicial Magistrate-II, Tiruvannamalai

2. The Inspector of Police,
Tiruvannamalai P.E.W. Police Station,
Tiruvannamalai District
Crime No.288 of 2023

3.The Central Prison, Puzhal, Chennai.

4. The Public Prosecutor, High Court of Madras.

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