



Crl.O.P.No.6738 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

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

Crl.O.P.No.6738 of 2024

Kumar

..Petitioner

Vs.

State represented by
The Inspector of Police,
Veeranam Police Station, Salem.
(Crime No.302 of 2024).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.302 of 2024 on the file of the respondent police.

For Petitioner : Mr.Sanjay Davidson

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.02.2024 for the offences registered by the respondent Police under



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Sections 4(1)(a) and 4(1-A) of TNP Act in Crime No.302 of 2024 on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 16 bottles of liquor (each containing 180 ml).

3.The earlier application seeking bail in Crl.O.P.No.6588 of 2023 had been dismissed by this Court 07.03.2024, since the petitioner had filed an application before this Court and also simultaneously before the Sessions Court, Salem.

4.The learned Government Advocate (crl.side) raised objections stating that there are 7 previous cases against the petitioner.

5.But however taking all the factors into consideration and the period of incarceration, this Court is 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.IV, Salem 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.

19.03.2024

vkr

C.V.KARTHIKEYAN. J.



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vkf

To

- 1.The Judicial Magistrate No.IV, Salem.
2. The Central Prison, Salem.
- 3.The Inspector of Police,
Veeranam Police Station, Salem.
- 4.The Public Prosecutor, High Court of Madras.

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