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Crl.O.P.No.11863 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.11863 of 2024

P.Ramachandran

... Petitioner/Accused (Single)

Versus

The State Rep by
The Inspector of Police,
Thanipadi Police Station,
Tiruvannamalai District.
(Crime No.185 of 2024)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of bail to the petitioner / Accused in Crime No.185 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Ms.M.Sumith Arnic
for Public Prosecutor



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ORDER

This Criminal Original Petition has been filed by the petitioner on 13.05.2024 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.

2.The petitioner/accused was arrested and remanded to judicial custody on 06.05.2024 for the alleged offences punishable under Sections 4(1)(aa) r/w 4(1-A)(ii) of the Tamil Nadu Prohibition Act (Act No.10 of 1937) in Crime No.185 of 2024 on the file of the respondent police.

3.The case of the prosecution is that when Police were on surveillance duty at Athipadi Village, on seeing the police party, the petitioner herein tried to escape and the police caught him; that on search, it was found that the petitioner was in illegal possession of 55 litres of illicit arrack in a lorry tube. Hence, the case.

4.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



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He further submitted that the petitioner is in judicial custody since 06.05.2024. He, therefore, prayed to grant bail to the petitioner.

5.The learned Public Prosecutor appearing for the respondent police submitted that the petitioner was found in illegal possession of 55 liters of illicit arrack in a lorry tube. He further submitted that, the petitioner has one previous case. Investigation has been completed and final report had also been filed. He further submitted that if bail is granted to the petitioner, he will commit the offence once again. Accordingly, he raised objection to the petition.

6. Heard on both sides. This Court has perused the records.

7.The petitioner was arrested on 06.05.2024 and he has one previous case. He has permanent residence and deep roots in the society. Hence, there is less possibility for absconding. Considering the nature of the offence alleged, and also with a view to give him an opportunity to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:



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(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) and furnish two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Thandarampet, Thiruvannamalai District;

(ii) The petitioner shall appear and sign before the respondent police daily at 10.00 a.m., until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(v) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the



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petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

16.05.2024

Index : Yes/No
Internet : Yes/No
Speaking order / Non-speaking order
Neutral citation : Yes/No
Vv

Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
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R.SAKTHIVEL, J.

Vv

To

- 1.The Inspector of Police,
Thanipadi Police Station,
Tiruvannamalai District.
- 2.The Judicial Magistrate,
Thandarampet,
Thiruvannamalai District.
- 3.The Officers' Incharge,
Sub Jail, Tiruvannamalai.
- 4.The Public Prosecutor,
High Court, Madras.

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