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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.12757 of 2024

Rasaiya

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
Crime No. 139 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in crime No. 139 of 2024 pending
investigation on the file of the respondent.

For Petitioner : Mr. W.Camyles Gandhi
For Respondent : Mr.V.Meganathan,
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **08.05.2024** for the alleged offences punishable under Sections **4 (1) (i) and (1-A) of Tamil Nadu Prohibition Act in crime No. 139 of 2024** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused person was found to be illegal possession of 15 bottles of Topstar Branky containing 1080 ml of I.D arrack . Hence the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is an innocent person. Learned counsel prays to grant bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that the petitioner is having 18 previous cases.

5. Considering the period of incarceration undergone by the petitioner and also the investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate -II, Sankari**, 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 on every Saturday at 10.30 a.m., for a period of three months. Further, the petitioner shall deposit a sum of **Rs.25,000/-** to the credit of **Sri Arunodayam Charitable Trust**, 45, Sivananda Nagar, Kolathur, Chennai 600 099. A/c.No.50100196910687 Bank : HDFC Bank Branch : Dayalur Nagar, Villivakkam Branch, IFSC Code : HDFC0004224 Cell No.91-8608971037, Tel 91-44-2651 1450,

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Judicial Magistrate -II, Sankari.**
2. The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
3. The Central prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.12757 of 2024

05.06.2024