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Crl.O.P.No.18761 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.18761 of 2024

Kishore Lurdhuraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sankarapuram Police Station,
Kallakuruchi District.

(Crime No.360 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.360 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.T.Mahavishnu for
Mr.R.Thamarai Selvan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.06.2024, for the offences punishable under Section 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.360 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 110 litres of illicit arrack. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in incarceration for more than 40 days and the petitioner is ready abide by any stringent condition imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that the petitioner was found to be in illegal possession of 110 litres of I.D. arrack. He further submitted that the



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petitioner has one previous case of similar nature and thereby, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel of either side and considering the nature of offence and the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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, each for a like sum to the satisfaction of the Judicial Magistrate Court, Sankarapuram, and on further conditions that :-

[a] the petitioner shall report before the Judicial Magistrate No.II, Villupuram, everyday at 10.30 a.m., until further orders.



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[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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.

06.08.2024

drl



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TO

- 1.The Judicial Magistrate Court,
Sankarapuram.
- 2.The Inspector of Police,
Sankarapuram Police Station,
Kallakuruchi District.
- 3.The Superintendent,
Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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