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Crl.O.P.No.18872 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.18872 of 2024

Sathiyamarayanamoorthi

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Chinnasalem Police Station,  
Villupuram District.  
(Crime No.340 of 2024).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of B.N.S.S.,  
pleaded to enlarge the petitioner on bail, in Crime No.340 of 2024 on the file  
of the respondent Police.

For Petitioner : Mr.M.Subash

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

**ORDER**

The petitioner, who was arrested and remanded to judicial  
custody on 01.07.2024, for the offences punishable under Section 4(1)(a),  
4(1-A) of Tamil Nadu Prohibition Act, in Crime No.340 of 2024, on the file



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of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner was found in illegal possession of 13 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, since he has got some previous cases. The alleged occurrence took place on 01.07.2024 and the petitioner was arrested on the very same day. He has not committed any offence as alleged in FIR. He is in custody for more than 30 days. 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 13 litres of I.D. arrack. He further submitted that the petitioner has 6 previous cases 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



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including the First Information Report.

6. Considering the nature of offence and considering the period of incarceration undergone by the petitioner and considering that though the petitioner has 6 previous cases, in all of the cases, he has been released on bail and considering all other factors, 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 No.II, Kallakurichi, and on further conditions that :-

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

[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



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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

TO

1.The Judicial Magistrate No.II,  
Kallakurichi

2.The Inspector of Police,  
Chinnasalem Police Station,  
Villupuram District.

3.The Officer In-charge,  
Sub Jail, Kallakurichi.

4.The Public Prosecutor,  
High Court of Madras.



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**P.DHANABAL, J.**

drl

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**06.08.2024**