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CrI.O.P.No.19120 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM

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

CrI.O.P.No.19120 of 2024

Murugesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.

(Crime No.444 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in connection with a case in Crime
No.444 of 2024 on the file of the respondent Police.

For Petitioner : Mr.M.Subash

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.06.2024, for the alleged offences punishable under Sections 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.444 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found to be 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, since he has got previous cases. He has not committed any offence as alleged in FIR. The petitioner was arrested and is in judicial custody for more than 35 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (CrI.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 petitioner



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has two previous cases, similar in nature are pending against him, and thereby, he 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 nature of offence and considering the period of incarceration undergone by the petitioner and also considering that though the petitioner has 2 previous cases, in all the cases, he has been released on bail, 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.I, Kallakurichi and on further conditions that :-



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[a] the petitioner shall report before the respondent police 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 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 269 BNS.

07.08.2024

drl



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- T0
- 1.The Judicial Magistrate No.I,
Kallakurichi
 - 2.The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi 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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