



Crl.O.P.No.19423 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM

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

Crl.O.P.No.19423 of 2024

Kalimuthu @ Muthu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.
(Crime No.355 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, pending investigation in Crime
No.355 of 2024, on the file of the respondent Police.

For Petitioner : Mr.U.Yuvaraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 27.07.2024, for the alleged offences punishable under Sections 296(b),
132, 351(3) of BNS and 4(1-A), 24 of Tamil Nadu Prohibition Act, in Crime
No.355 of 2024, on the file 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 31 cases of alcohol, i.e, more than 1500 bottles of Pondicherry 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 has not committed any offence as alleged in the FIR. He would further submit that the co-accused was released on bail before the Principal District and Sessions Judge, Kancheepuram. He would further submit that the petitioner was arrested and is in judicial custody for more than 20 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 (Crl.Side) appearing for the respondent police would contend that there are totally 10 accused in this case and the petitioner herein is arrayed as A2. He would further submit while the defacto complainant was on regular checkup, they found that the petitioner along with other accused was found to be in illegal possession of 31 cases of



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alcohol, ie. more than 1500 bottles of Pondicherry arrack. He further submitted that the petitioner has no previous case and the co-accused was also released on bail, 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 nature of offence, and the quantity involved and considering the period of incarceration undergone by the petitioner and also considering that the co-accused was also released on bail and the petitioner has no cases pending against him and considering all others 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, Uthiramerur, and on further conditions that:-

[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., until further orders.

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



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[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.

12.08.2024

drl

To

- 1.The Judicial Magistrate,
Uthiramerur.
- 2.The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.
- 3.The Superintendent,
Sub Jail, Kancheepuram,
Kancheepuram District.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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