



WEB COPY



CRL O.P. No.19544 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19544 of 2024

Sakthivel S/o. Krishnamoorthi

... Petitioner / Accused

Vs

State rep. by:-

The Station House Officer,
Sankarapuram Police Station,
Kallakurichi District.

... Respondent

[Cr. No.376 of 2024]

For Petitioner : Mr.T.Maha Vishnu

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in Crime No.376 of 2024 on the file of the respondent police.



CRL O.P. No.19544 of 2024

WEB COPY

ORDER

The petitioner/Accused, who was arrested and remanded to judicial custody on 30.06.2024 for the offences punishable under Sections 4(1)(aaa) and 4(1-A) of TN Prohibition Act in Crime No.376 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 ID arrack.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody since 30.06.2024 and the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner was found in illegal possession of 110 litres of ID arrack. He would further submit that there are seven previous cases against the petitioner herein. Hence, he vehemently opposed for grant of bail to the petitioner.



WEB COPY

5. Heard both side and perused the materials available on record.

6. Considering the nature of offence and also taking into consideration the number of days of incarceration undergone by the accused and the fact that though the petitioner has seven previous cases, in all the cases he has been released on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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:

[b] the petitioner shall report before the Town Police Station, Tiruvannamalai, everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned



CRL O.P. No.19544 of 2024

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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

13.08.2024

ata

To

- 1.The Judicial Magistrate Court, Sankarapuram.
- 2.The Station House Officer,
Sankarapuram Police Station,
Kallakurichi District.
- 3.Central Prison, Cuddalore.
- 4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J



WEB COPY



CRL O.P. No.19544 of 2024

ata

CRL.OP.No.19544 of 2024

13.08.2024