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Crl.O.P.No.19528 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

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

Crl.O.P.No.19528 of 2024

Kesavan @ Sennakesavan

... Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
Thimmampettai Police Station,
Thirupathur District,
(Crime No. 155 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, concerned in Crime No. 155 of 2024
on the file of the respondent Police.

For Petitioner : Mr. R.Parthiban

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 11.07.2024, for the alleged offences punishable under Sections 4(1) (g),
4(1)(aa), 4(1-A) of TNP Act in Crime No.155 of 2024, on the file of the



Crl.O.P.No.19528 of 2024

respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner was found in illegal possession of 55 litres of Country 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 has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 40 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 submitted that the petitioner was found in illegal possession of 55 litres of Country illicit arrack. He further submitted that the petitioner has 10 previous cases, similar in nature, pending against him, and thereby, he strongly opposed to grant bail to the petitioner.

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



CrI.O.P.No.19528 of 2024

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 petitioner has 10 previous cases, in all of the cases, he has been released on bail and also 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 Court, Vaniyambadi, and on further conditions that:-

[a] the petitioner shall report before the Salem Town Police Station, 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.



Crl.O.P.No.19528 of 2024

WEB COPY

[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.

21.08.2024

drl

To

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

P.DHANABAL, J.

drl



WEB COPY



Crl.O.P.No.19528 of 2024

Crl.O.P.No.19528 of 2024

21.08.2024