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CRL O.P. No.20050 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20050 of 2024

Mohan

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
PEW Vridhachalam.

... Respondent

[Cr. No.444 of 2024]

For Petitioner : Mr.D.Balaji

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. 444 of 2024 on the respondent police.



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ORDER

The petitioner/Accused, who was arrested and remanded to judicial custody on 14.04.2024 for the offences punishable under Sections 4(1)(d), 4(1-A) and 14(a) of TN Prohibition Act, in Crime No.444 of 2024, on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 225 litres of ID arrack. Hence, the case.

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submit that the petitioner was previously detained under Act 14 of 1982 and thereafter, the said detention order was revoked by this Court by order dated 12.08.2024. 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 possession of 225 litres of ID arrack. He would further submit that the petitioner has



two previous cases against him and he has been detained under Act 14 of 1982 and the detention order has been revoked by this Court. However, he opposed to grant bail to the petitioner.

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

6. Considering the representation made by both side learned counsel and considering the nature of offence and also the material involved in this case and taking into consideration the fact that though there are two previous cases, the petitioner was released on bail in all the cases and the period of custody undergone by the petitioner and all other aspects, 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 No.1, Vridhachalam, Cuddalore District**, and on further conditions that:

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.



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[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 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.

19.08.2024

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To

1.The Judicial Magistrate No.1, Vridhachalam, Cuddalore District.

2.The Inspector of Police,
PEW Vridhachalam.

3.Central Prison, Cuddalore.

4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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