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CrI.O.P.No.21712 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

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

CrI.O.P.No.21712 of 2024

Kumar @ Kudukkankuppam Kumar

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
PEW Tiruvannamalai Police Station,
Tiruvannamalai District.
(Crime No. 397 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 397 of 2023 on the file
of the respondent Police.

For Petitioner : Mr.D.Balaji

For Respondent : M/s.G.V.Kasthuri,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 23.08.2024, for the alleged offence punishable under Sections 4(1)(a),



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4(1-A) of TNP Act r/w 6 & 7 of TNRS Rules 2000, in Crime No.397 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of 10 litres of illicit arrack. Hence the complaint.

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 some previous cases. He has not committed any offence as alleged in the FIR. He further submit that the co-accused was also released on bail by this Court. He further submit that based on the confession of the arrested accused, this petitioner was arrayed as an accused. 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 submitted that there are totally five accused in this case and



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the petitioner herein is arrayed as A4. She further submit that the petitioner along with other accused persons were found in illegal possession of 10 litres of illicit arrack. She further submitted that the petitioner has 29 previous cases, similar in nature, pending against him. Hence, she 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, quantity involved and considering the period of incarceration undergone by the petitioner, and also the petitioner was detained as bootlegger and thereafter, the detention order was set aside by this Court, and though the petitioner has 29 previous cases and in all other cases, he has been released on bail, co-accused was also released on bail, and considering that the petitioner was arrayed as accused based on the confession of co-accused, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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.II, Tiruvannamalai, Tiruvannamalai District, and on further conditions that:-

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

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond 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



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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]; and

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

11.09.2024

drl

To

- 1.The Judicial Magistrate No.II,
Tiruvannamalai, Tiruvannamalai District.
- 2.The Sub-Inspector of Police,
PEW Tiruvannamalai Police Station,
Tiruvannamalai District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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