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Crl.O.P.No.26894 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

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

Crl.O.P.No.26894 of 2024

Samydurai

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.
(Crime No. 217 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.217 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.T.Mahavishnu

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 12.10.2024, for the alleged offences punishable under Sections 4(1)(A)(ii),
4(1)(C) of Tamil Nadu Prohibition Act, 2024 in Crime No.217 of 2024, on



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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 40 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. He has not committed any offence as alleged in the FIR. He further submit that the petitioner was arrested and is in judicial custody for more than 15 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 when the respondent police searched the petitioner's village, they found the petitioner in illegal possession of 40 litres of illicit arrack. He further submits that the petitioner has no previous cases, pending against him. Hence, he opposed to grant bail to the petitioner.

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



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including the First Information Report.

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6. Considering the nature of offence, quantity involved, considering the period of incarceration undergone by the petitioner from 12.10.2024, and the petitioner has no previous cases pending against him, 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 learned Judicial Magistrate Court, Sankarapuram, 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



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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 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.

28.10.2024

drl

To

1.The Judicial Magistrate Court,



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Sankarapuram.

- 2.The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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