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Crl.O.P.No.28658 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28658 of 2024

Nathan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
PEW Namakkal Police Station,
Namakkal District.
(Crime No.554 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.554 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 12.10.2024 seeking bail in Crime No.554 of 2024 registered for the offence under Sections 4(1)(C), 4(1-A)(ii) of the Tamil Nadu Prohibition (Amendment) Act, 2024.



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2. The case of the prosecution is that based on the secret information, the respondent and his team conducted a search, where, they found that the accused was in illegal possession of 1 litre of illicit arrack and 20 litres of fermented wash. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 60 years, is an innocent person and he has been falsely implicated in this case. He also submitted that the investigation in this case has been completed, however, the petitioner is in custody from 12.10.2024. Hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner was found to be in illegal possession of 1 litre of illicit arrack and 20 litres of fermented wash. He further submitted that the investigation in this case has been completed and the charge sheet has also been filed, which is yet to be taken on file. He also submitted that there is no previous case against the petitioner.



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5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. Taking into consideration the above facts and the submissions made by the learned counsel on either side, considering the fact that the charge sheet has been filed in this case and also taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Rasipuram, Namakkal**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the learned Judicial Magistrate, Rasipuram, on all working days



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10.30a.m., for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions, the learned 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 of B.N.S.

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To

1. The Judicial Magistrate,
Rasipuram, Namakkal.
2. The Inspector of Police,
PEW Namakkal Police Station,
Namakkal District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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