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Crl.O.P.No.29484 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

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

Crl.O.P.No.29484 of 2024

Moorthy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.
(Crime No.321 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.321 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Gopinath

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

ORDER

Petition seeking bail in respect of Crime No.321 of 2024 registered for the offences punishable under Sections 4(1)(a), 4(1-A) of the Tamil Nadu Prohibition Act, is on board for consideration.



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2. The incarceration of the petitioner being from 05.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner has been implicated in this case, since he has some previous cases. He further submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/- to any welfare scheme of the Government or any other organization. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused was found to be in illegal possession of 38 bottles of (each 180ml) of TASMAL liquor with an intention to sell the same to the public in higher price. He further submits that 8 previous cases of similar nature are pending against the petitioner.

4. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees**



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Five Thousand only) to the credit of the "**District Legal Services Authority, Tiruppur**", without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5. Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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, Uthukuli**, 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 report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during



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investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or 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.

26.11.2024

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To

1. The Judicial Magistrate,
Uthukuli.
2. The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.
3. The Superintendent,
Sub Jail,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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