



WEB COPY



Crl.O.P.No.29897 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.29897 of 2024

1. Dinakaran

2. Rajasekar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thimmampettai Police Station,
Thirupathur District.

(Crime No.253 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.253 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.T.Shanmugam

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who was arrested and remanded to judicial custody on 09.11.2024, seeking bail in Crime No.253 of 2024 registered for the offence under Sections 4(1)(A), 4(1)(C),



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4(1-A)(ii) of the Tamil Nadu Prohibition (Amendment) Act.

2. The case of the prosecution is that accused were found to be in illegal possession of 490 litres of illicit arrack and 2800 litres of fermented wash. Hence the case.

3. Learned counsel appearing for the petitioners/A1 submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in custody from 09.11.2024 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, submitted that the petitioners were found to be in illegal possession of 490 litres of illicit arrack and 2800 litres of fermented wash. He further submitted that there is no previous case against the petitioners.

5. Heard the learned counsel appearing for the petitioners and the



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learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the nature of allegation, period of incarceration undergone by the petitioners and that there is no previous case against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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, Vaniyambadi**, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or



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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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

29.11.2024

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To

1. The Judicial Magistrate,
Vaniyambadi.
2. The Inspector of Police,
Thimmampettai Police Station,
Thirupathur District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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