



Crl.O.P.No.1836 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

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

Crl.O.P.No.1836 of 2025

Palanivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
PEW Namakkal,
Namakkal District.
(Crime No.231 of 2018).

... 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.231 of 2018, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.C.Chellappan

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

ORDER

Petition seeking bail in respect of Crime No.231 of 2018 registered for the offences punishable under Sections 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act, is on board for consideration.



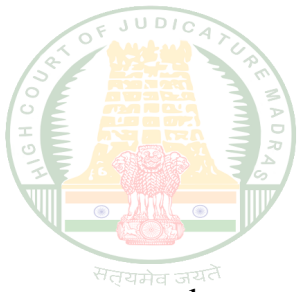
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2. The incarceration of the petitioner being from 28.10.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is in no way connected with the alleged offence, however, since he has several previous cases, he was implicated in this case. He further submits that the detention order passed against the petitioner was also set aside by this Court on 04.12.2024. 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 25 litres of illicit arrack. He further submits that the charge sheet has been filed in this case and it is yet to be taken on file. He also submits that nine previous cases are pending against the petitioner.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration



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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 common sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Rasipuram**, 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 at **10.30 a.m.**, until further orders and he shall also report before the respondent Police, on every Saturday at **06.30 p.m.**, until further orders;

[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]***;



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A.D.JAGADISH CHANDIRA.,J.

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

28.01.2025

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To

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

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