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Crl.OP.No.14571 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14571 of 2025

R.Sarath @ Sarath Kumar

... Petitioner(s) /Accused

Vs.

State rep. by
The Inspector of Police,
Sirupakkam Police Station,
Cuddalore District.
Crime No.117 of 2023

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023, to enlarge the petitioner on bail pending investigation in Crime No.117 of 2023 on the file of the respondent police.

For petitioner(s) : Mr.M.D.Ilayaraja

For Respondent(s) : 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 13.04.2025, seeking bail in



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Crime No.117 of 2023 registered for the offences under Sections 4(1)(aaa) & 4(1-A) of TNP Act.

2. The case of the prosecution is that, the petitioner was found in illegal possession illicit liquor for the purpose of sale to the general public. Hence, the case.

3. The 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 submits that the petitioner was arrested and is in judicial custody from 13.04.2025. He also submits that the petitioner is ready to abide by any stringent condition 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 submitted that the petitioner was found in illegal possession of illicit liquor. Hence, he opposed to grant bail to the petitioner.

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



including the First Information Report.

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6. Considering the submissions made by the learned counsel on either side, nature of offence, and considering the period of incarceration undergone by the petitioner from 13.04.2025, this Court is 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 No.I, Vridhachalam**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;

[c] the petitioner shall make himself available for



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interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

14.05.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this



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Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate No.I,
Vridhachalam.

2. District Prison, Cuddalore.

3. The Inspector of Police,
Sirupakkam Police Station,
Cuddalore District.

4. The Public Prosecutor,
Madras High Court, Chennai.

M.NIRMAL KUMAR, J.

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