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Crl.O.P.No. 15642 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.05.2025**

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

CRL.O.P.No.15642 of 2025

1.Maruthan
Son of Rajkumar

2.Maruthan
Son of Nanjan @ Nagamma

... Petitioners/Accused A1 & A2

Versus

The State Rep by its
The Inspector of Police,
Pilloor Dam Police Station,
Coimbatore District.
(Crime No. 4 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail, in Crime No.4 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.Kalimuthu

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed by the petitioners/A1 & A2, who were arrested and remanded to judicial custody on 27.04.2025, seeking bail in Crime No.4 of 2025 registered for the offence under Sections 4(1)(A), 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act 2024.

2. The case of the prosecution is that the petitioners were found in illegal possession of 30 litres of illicit arrack.

3. The learned counsel appearing for the petitioner submitted that the petitioners are innocent and they have been falsely implicated in this case. He would further submit the petitioners are in custody from 27.04.2025 and in any case, further custody of the petitioners is not required and prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the grant of bail, reiterated the prosecution case and submitted that the contraband has been seized. He would further submit that



the petitioner has no bad antecedents.

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5. Heard learned counsel on either side and perused the materials available on record.

6. Considering the nature of allegations, period of incarceration, the fact that the contraband has been seized and since further custody of the petitioners is not required for the purpose of interrogation, 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 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, Mettupalayam**, 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 jurisdictional Magistrate from **Monday to Friday at 10.30 a.m.**, and shall appear before the respondent Police



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on Saturday and Sunday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 B.N.S.

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dpa/skr

Note:

1. Registry is directed to forthwith upload this order in the official



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website of this Court.

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- 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 official website of this court will be watermarked and will also have a QR code.**

To

- 1.The Judicial Magistrate,
Mettupalayam.
2. The Superintendent, Central Jail,
Coimabtoe.
- 3.The Inspector of Police,
Pilloor Dam Police Station,
Coimbatore District.
- 4.The Public Prosecutor,
High Court, Madras.

N.SENTHILKUMAR, J.

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