



Crl.O.P.No.16583 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16583 of 2025

1.Vincent Raj
2.Henry Mariya Joseph

... Petitioners/A1 & A2

Vs.

The State Represented by,
The Inspector of Police,
Elavanasurkottai Police Station,
Kallakurichi District.
(Crime No.96 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners/Accused on bail in Crime No.96 of 2025 (on the file of the Elavanasurkottai Police Station at Kallakurichi District) pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Magesh Kumar
For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



Crl.O.P.No.16583 of 2025

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 26.05.2025, for the offences punishable under Sections 4(1)(C) and 4(1-A)(ii) of Tamil Nadu Prohibition (Amendment) Act, 2024 in Crime No.96 of 2025, registered on the file of the respondent, seek bail.

2. The case of the prosecution is that the petitioners were found to be in illegal possession of 5 litres of illicit arrack. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are the adjacent land owners of the place, in which the respondent seized the illicit arrack. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.



CrI.O.P.No.16583 of 2025

WEB COPY

4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, reiterated the prosecution case and submitted that the petitioners have got no previous cases.

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

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side and the period of incarceration undergone by 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 a separate 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, Ulundurpet at Kallakurichi District**, 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,



CrI.O.P.No.16583 of 2025

WEB COPY

2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioners 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 interrogation;

[c] the petitioners shall make themselves available for interrogation by a Police Officer as and when required;

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

[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, they shall comply to the directions 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 petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR



CrI.O.P.No.16583 of 2025

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can be registered under Section 269 of B.N.S.

09.06.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this 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,
Ulundurpet at Kallakurichi District.
- 2.The Inspector of Police,
Elavanasurkottai Police Station,
Kallakurichi District.
- 3.The Superintendent,
District Jail, Villupuram.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.16583 of 2025

M.NIRMAL KUMAR, J.

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Crl.O.P.No.16583 of 2025

09.06.2025