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Crl.O.P.No.28650 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.28650 of 2025

Ponnudurai

... Petitioner

Vs.

The State represented by
The Inspector of Police,
PEW Kallakurichi Police Station,
Kallakurichi District.
(Crime No.30 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.30 of 2025 pending on the file of the respondent Police.

For Petitioner : Mr.D.Ilayaraja

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 23.05.2025, for the offence punishable under Sections 4(1)(C), 4(1)(A),
4(1-A)(ii) of TNP Amendment Act, in Crime No.30 of 2025, registered on
the file of the respondent, seeks bail.



Crl.O.P.No.28650 of 2025

WEB COPY

2. The allegation against the petitioner is that the petitioner was found in illegal possession of 110 litres of ID arrack. 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. Hence, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that this is the second bail petition filed by the petitioner and he has been detained under Tamil Nadu Act 14 of 1982. Hence, he strongly opposed the grant of bail to the petitioner.

5. In reply, the learned counsel for the petitioner submitted that the petitioner's detention order has been revoked in H.C.P.No.1175 of 2025.

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

7. Considering the change in circumstances and taking into account the period of incarceration and also the fact that the petitioner's



CrI.O.P.No.28650 of 2025

detention order has been revoked, this Court is inclined to grant bail to the petitioner with certain conditions:

8. 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 sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Sankarapuram** 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 trial Court on all working day at 10.30.a.m., for a period of two weeks and thereafter as and when required for interrogation;

[c] the petitioner shall make himself available for 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;



CrI.O.P.No.28650 of 2025

[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 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 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.

23.10.2025

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CrI.O.P.No.28650 of 2025

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, Sankarapuram.
- 2.The Inspector of Police,
PEW Kallakurichi Police Station,
Kallakurichi District.
- 3.The Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.28650 of 2025

K.RAJASEKAR, J.

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Crl.O.P.No.28650 of 2025

23.10.2025