



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21274 of 2021

1.Siva
2.Murugan

... Petitioners

Vs.

State Rep. by
The Inspector of Police
Mangalam Police Station,
Tiruppur District.
Crime No.574 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.574 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Giritharan

For Respondent : Mr.N.S.Suganthan
Government Advocate

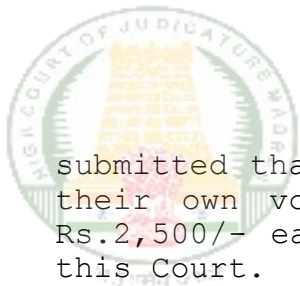
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 19.10.2021 for the offences under Sections 4(1)(i), 4(1-A) of Tamilnadu Prohibition Act 1937, in Crime No.574 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 19.10.2021 when the respondent police was on routine check up, the petitioners were found in illegal possession of 107 nos. of 180 ml Brandy bottles for selling the same for higher profits and it was found mixed with some poisonous substances for excess intoxication. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and that the petitioners have been suffering incarceration for the past 20 days from 19.10.2021. However, on instructions, the learned counsel further



submitted that the petitioners, without prejudice to their rights, on their own volition, are ready and willing to contribute a sum of Rs.2,500/- each to any charitable institution as may be directed by this Court.

WEB COPY

4. The learned Government Advocate appearing for the respondent raised objection stating that the petitioners were found in illegal possession of 107 nos. of 180 ml brandy bottles for selling in the open market.

5. Considering the period of incarceration suffered by the petitioner and the fact that investigation is almost completed, this Court is inclined to grant bail to the petitioners with certain conditions:

6. 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, for a like sum to the satisfaction of the learned Judicial Magistrate-IV, Tiruppur, Tiruppur District, and on further condition that:

(a) the petitioners shall make a non-refundable deposit of Rs.2,500/- each, by way of demand draft to the Registered Advocates Clerks Association, Tiruppur District, without prejudice to their defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioners;

(b) 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;

(c) the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the 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) AIR SCW 5560]; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
12/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.IV,
TIRUPPUR, TIRUPPUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
MANGALAM POLICE STATION,
TIRUPPUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

6 THE REGISTERED ADVOCATES
CLERKS ASSOCIATION, TIRUPPUR DISTRICT

+1 CC to M/S.S.GIRITHARAN Advocate on payment of necessary charges SR.No.12662

CRL OP.21274/2021

Date :12/11/2021

APN 15/11/2021