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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM:

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

Crl.O.P.No.23329 of 2021

1. Sheik Pandian  
2. Sundarrajan  
3. Muthumani

... Petitioners

Vs.

State represented by its  
Inspector of Police  
Prohibition Enforcement Wing (PEW)  
Dharmapuri  
(Cr.No.1138 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.1138 of 2021 on the file of the respondent police.

For Petitioners : Mr.R.Karthikeyan

For Respondent : Mr.N.S.Suganthan  
Government Advocate (Crl. Side)

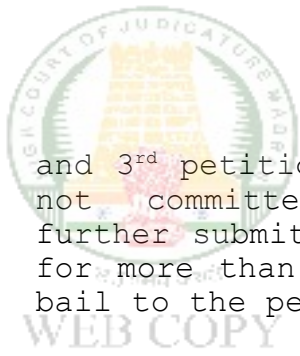
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 10.11.2021 for the offences under Sections 4(1)(aaa), 4(1)(g), 4(1)(b) read with 4(1-A) TNP Act and 468, 471 and 420 IPC, in Crime No.1138 of 2021 on the file of the respondent police seek bail.

2. The case of the prosecution is that on the date of occurrence, the accused were in possession of 3000 litres of fermented ingredients, 5 litres of country made arrack and other accessories relating to manufacturing of arrack. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and the 1<sup>st</sup> petitioner is running a factory after obtaining a valid licence from the FSSAI and that the 2<sup>nd</sup>



and 3<sup>rd</sup> petitioners are working under the 1<sup>st</sup> petitioner and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners have been suffering incarceration for more than 20 days from 10.11.2021. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised strong objection stating that the 1<sup>st</sup> and 2<sup>nd</sup> petitioners have got 5 previous cases and there is a proposal for Goondas against them but admits that there is no previous case against the 3<sup>rd</sup> petitioner.

5. Considering the fact that the 1<sup>st</sup> and 2<sup>nd</sup> petitioners have got 5 previous cases and there is a proposal for Goondas against them, this Court is not inclined to grant bail to them. Accordingly, the petition is dismissed insofar as the 1<sup>st</sup> and 2<sup>nd</sup> petitioners are concerned.

6. Since there is no previous case against the 3<sup>rd</sup> petitioner and also considering the period of incarceration undergone by her, this Court is inclined to grant bail to the 3<sup>rd</sup> petitioner with certain conditions.

6. Accordingly, the 3<sup>rd</sup> petitioner is ordered to be released on bail on her 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, Palacode, Dharmapuri District, 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 3<sup>rd</sup> petitioner shall report before the respondent police on every Sunday at 10.30 a.m. until further orders.

(c) the 3<sup>rd</sup> petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 3<sup>rd</sup> petitioner shall not abscond 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 3<sup>rd</sup> petitioner in accordance with law as if the conditions have been imposed and the 3<sup>rd</sup> 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]; and;



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

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-sd/-  
03/12/2021

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,  
PALACODE, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
DHARMAPURI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
PROHIBITION ENFORCEMENT WING (PEW),  
DHARMAPURI.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, DHARMAPURI.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.R.KARTHIKEYAN Advocate on payment of necessary  
charges SR.NO.14042

CRL OP.23329/2021

Date :03/12/2021

JPA 03/12/2021