



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No.766 of 2022

Suganthan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Prohibition Enforcement Wing,
Hosur,
Krishnagiri District.
(Crime No.2 of 2022)

... 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.2 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan
for Mr.G.Anbarasu

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 01.01.2022 for the offences under Sections 4(1)(aaa) 4(1)(h) 4(1-A) of Tamilnadu Prohibition Act and Sections 420, 468, 471 and 255 of IPC in Crime No.2 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 01.01.2022, when the respondent police officials were on regular patrol duty, they found that the petitioner along with others had illegally transported 675 bottle of brandy totally 121.5 litres and further alleged that he sold the empty bottles for the purpose for selling fake illicit arrack and the same was seized from them. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 11 days from 01.01.2022. He further submits that he is owning shop in the name and style of Sri Venkateshwara Traders situated at Venkatesh Nagar, Hosur, Krishnagiri District and nature of his business was that the purchase the waste bottled from the customers and after completion of cleaning process and he sold the same to the wanted people. Apart from that he was no way connected with the other accused persons. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.

4.The learned Government Advocate raised objection stating that petitioner along with others had illegally transported 675 bottle of brandy totally 121.5 litres and further alleged that he sold the empty bottles for the purpose for selling fake illicit arrack and the same was seized from them. He further submits the investigation was almost completed and there is no previous as against the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Registered Advocate Clerks Association, Krishnagiri, Krishnagiri District and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate Court-II, Hosur within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;



(c) 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;

(d) the petitioner shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m. until further orders;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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]; and;

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

-sd/-
12/01/2022

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.II, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
HOSUR, KRISHNAGIRI DISTRICT.



4 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATE,
CLERKS ASSOCIATION, KRISHNAGIRI DISTRICT.

CC to M/S.G.ANBARASU Advocate on payment of necessary charges

CRL OP.766/2022

Date :12/01/2022

JPA 19/01/2022