



WEB COPY



Crl.OP.No.24480 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.24480 of 2022

Mukesh

... Petitioner

Vs.

State rep. By,
The Inspector of Police,
P.E.W - Erode,
Erode District.
(Crime No.884/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in Crime No.884 of 2022 on the file
of the respondent.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr.S.Raja Kumar

Additional Public Prosecutor



Crl.OP.No.24480 of 2022

WEB COPY

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 13.09.2022 for the offences punishable under Sections 4(1)(a), 4(1-A), 4(1)(b), 4(1)(g) and 4(1)(h) Tamil Nadu Prohibition Act and Under Section 420, 467, 468 and 471 of IPC and Rule 7 of Tamil Nadu Rectified Spirit Rules, 2000 in Crime No.884 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that on 09.09.2022, the petitioner along with other accused had involved in preparation of duplicate IMFL and they had cheated the licensed distilleries by creating their forged label and hologram stickers and further they were found in possession of rectified spirit preparation of 16.5 litres of illicit liquor. Hence, the case.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent and he had been falsely implicated in this case. He would submit that without prejudice to his contentions, the Petitioner is prepared to deposit an amount of Rs.25,000/- to any Welfare Scheme of the Government. Therefore, he prays for grant of bail to the



Crl.OP.No.24480 of 2022

Petitioner.

4. The learned Additional Public Prosecutor appearing for the Respondent would submit that, apart from this case, there are 7 previous cases pending against the Petitioner. Hence, he vehemently opposed to grant bail to the Petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Taking into consideration of the submission of the learned Counsel for the Petitioner and the objection made by the learned Additional Public Prosecutor and also taking note of the fact that the Petitioner has come forward to deposit an amount of Rs.25,000/- to any Welfare Scheme of the Government, this Court is inclined to grant bail to the Petitioner.

7. Accordingly, the Petitioner shall deposit a sum of **Rs.25,000/-**



CrI.OP.No.24480 of 2022

(Rupees Twenty Five Thousand only) by way of Demand Draft to the **Dean, Government Hospital, Erode District**, and on such deposit, the Petitioner is ordered to be released on bail on 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 Court II, Erode**. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate Court No.II, Erode shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.



Crl.OP.No.24480 of 2022

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself 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.

06.10.2022

Sma/Shk

To

1. The learned Judicial Magistrate Court II,
Erode.
2. The Inspector of Police,
P.E.W - Erode,
Erode District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

SATHI KUMAR SUKUMARA KURUP,J.



WEB COPY



Crl.OP.No.24480 of 2022

Sma/Shk

Crl.O.P.No.24480 of 2022

06.10.2022