



Crl.O.P.No.25556 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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1. Vignesh @ Vignesh Perumal
2. Vijay
3. Manoj
4. Jeyaraj
5. Sulaiman
6. Sathish @ Sathish Kumar
7. Gunasekaran
8. Santhosh @ Sankarabai @ Sivasankar
9. V.Murugan
10. V.Bharani

... Petitioners

Vs.

State rep. by,
The Inspector of Police,
PEW - Dharapuram,
Tiruppur District.
(Crime No.921 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioners on bail in connection with Crime No.921 of
2022 on the file of the respondent Police.



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For Petitioners : Mr.S.Madhusudanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 23.09.2022, for the offences punishable under Sections 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act r/w Sections 5, 6, 7 of TN Rectified Spirit Rules, 2000, in Crime No.921 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police was on their routine patrol duty, the petitioners were found in possession of 9600 litres of illicit liquor. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Therefore, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that when the respondent police was on their routine patrol duty, the petitioners were found in possession of 9600 litres of illicit liquor. He would also admit that as far as the 8th petitioner is concerned, he has got 21 previous cases of similar nature, as far as the 9th petitioner is concerned, he has got 15 previous cases and as far as the 10th petitioner is concerned, he has got 11 previous cases. Therefore, he vehemently opposed to grant bail to the petitioners.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners 1 to 7 and as far as the petitioners 8 to 10 are concerned, as they have several previous cases as against them, this Court is not inclined to grant bail to them.



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7. Accordingly, the bail petition in respect of the petitioners 8 to 10 is dismissed and the petitioners 1 to 7 are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Uthukuli, Tiruppur 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 petitioners 1 to 7 shall report before the respondent Police daily at 10.30 a.m., and 05.30 p.m., until further orders;

[c] the petitioners 1 to 7 shall not abscond either during investigation or trial;

[d] the petitioners 1 to 7 shall not tamper with evidence or witness 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 petitioners 1 to 7 in accordance with law as if the conditions have been imposed and the petitioners 1 to 7 released on bail by the



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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]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

19.10.2022

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To

1. The Judicial Magistrate,
Uthukuli, Tiruppur District.
2. The Inspector of Police,
PEW - Dharapuram,
Tiruppur District.
3. The Sub-Jail, Tiruppur.
4. The Public Prosecutor,
High Court of Madras.



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