



Crl.O.P.No.26617 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

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

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1. Veeramani

2. Lokesh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Prohibition of Enforcement Wing,
Hosur Police Station,
Krishnagiri District.

(Crime No.930/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.930 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.P.Saravanan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.10.2022, for the offences punishable under Sections 4(1)(aa), 4(1)(i) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.930 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the respondent police and their team were on routine patrol duty, they found that the petitioners have illegally transported 52 litres of Karnataka made liquors from Karnataka State for selling it in Tamil Nadu. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would also submit that without prejudice, the petitioners are prepared to deposit Rs.40,000/- to any welfare scheme of the Government and they are prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioners.



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4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners were found in illegal possession of 52 litres of Karnataka alcohol which was transported from Karnataka State. He would also submit that there is no previous cases against the petitioners. Therefore, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. In order to curb the activities of illegal transporting of liquor for sale, this Court is of the opinion that the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) each as non refundable deposit to "The Dean/Medical Officer, Government Medical College and Hospital, Krishnagiri District", without prejudice to his rights and contentions before the trial Court.



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7. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners are prepared to deposit Rs.20,000/- each to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.20,000/- (Rupees Twenty thousand only) each** by way of **Demand Draft/RTGS/NEFT to the "The Dean/Medical Officer, Government Medical College and Hospital, Krishnagiri District"**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners 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) each** with **two sureties**, each for a like sum to the satisfaction of the **learned**



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Judicial Magistrate No.II, Hosur, 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 shall report before the respondent Police everyday at 10.30 a.m. and 5.30p.m., until further orders;

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

[d] the petitioners 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 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];***

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

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To

1. The Judicial Magistrate No.II,
Hosur.
2. The Inspector of Police,
Prohibition of Enforcement Wing,
Hosur Police Station,
Hosur,
Krishnagiri District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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