



Crl.O.P.No.27273 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HON'BLE MR. JUSTICE **M.NIRMAL KUMAR**

Crl.O.P.No.27273 of 2022

V.Bharani

... Petitioner

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 petitioner on bail in connection with Crime No.921 of
2022 on the file of the respondent Police.

For Petitioner : Mr.C.C.Chellappan

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



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ORDER

The petitioner, who was 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 petitioner along with the other accused were found in possession of 9600 litres of illicit liquor. Hence, the complaint.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner has been falsely implicated in this case, since there are several cases pending against him. He would further submit that the petitioner is in prison from 23.09.2022. Hence, he seeks for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that this is the second bail application before this Court and in this case, when the respondent police was on their routine patrol duty, the petitioner along with the other accused were found in possession of 9600 litres of illicit liquor. He would further submit that there are 8 previous cases out of which 6 of similar nature are pending as against the petitioner. Therefore, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on



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his 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, 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 petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

[d] the petitioner 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 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]*;



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

08.11.2022

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To

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



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M.NIRMAL KUMAR, J.

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