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CrI.O.P.No.29018 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

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

CrI.O.P.No.29018 of 2022

1. Vignesh

2. Karthi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Ayilpatty Police Station.
Namakkal District.

(Crime No.145/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.145 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.Lakshmikanthan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 13.11.2022 for the offences punishable under Sections 4(1)(a) & 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.145 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the respondent Police and his team were on their routine patrol duty, they found that the petitioners were in possession of 9 bottles of Brandy (each containing 180 ml) without any valid licence. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are in custody from 13.11.2022 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.

4. The Government Advocate (CrI.Side) appearing for the respondent police submitted that the petitioners were found in illegal



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possession of 9 bottles of Brandy (each containing 180 ml) for selling to get unlawful gain. He further submitted that there is no previous case as against these petitioners. However, he 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. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the fact that there is no previous case as against these petitioners and also considering the period of incarceration undergone by them, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, 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 Judicial Magistrate, Rasipuram** and on further conditions that:



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[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 daily at 10.30 a.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.

25.11.2022

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To

1. The Judicial Magistrate ,
Rasipuram.
2. The Inspector of Police,
Ayilpatty Police Station,
Namakkal District.
3. The Sub Jail,
Rasipuram, Namakkal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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