



Crl.O.P.No.29288 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

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

Crl.O.P.No.29288 of 2022

1.Enikkum Settu

2.Athiyaman

3.Mathiyazhagi

... Petitioners

Vs.

State rep. by,
The Inspector of Police,
PEW Police Station, Ariyalur,
Ariyalur District.
(Crime No.764 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in Crime No.764 of 2022 pending
investigation on the file of the respondent police.

For Petitioners : Mr.V.Illanchezian

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 08.11.2022 for the offences punishable under Sections 4(1)(aa), 4(1-A) of Tamil Nadu Prohibition Act and Section 420, 465, 468, 471 & 272 of IPC in Crime No.764 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the respondent and his team were on their routine patrol duty, they found that the accused were illegally transporting 287 bottles of Express Brandy(each containing 180 ml) and 93 bottles of Black Pearly Brandy (each containing 180ml), which are all fake liquor bottles. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the first and the third petitioners have been detained under Act 14 and as far as the second petitioner is concerned, he is an innocent person, aged about 18 years and there is no bad antecedents against him. He also submitted that the second petitioner is in custody from 08.11.2022 and he is ready to abide by



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any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police submitted that pursuant to the orders passed by the District Collector and District Magistrate, Ariyalur District in Cr.M.P.Nos.38 & 40 of 2022 dated 25.11.2022, the first and third petitioners(A2 & A5) have been detained as "Bootlegger" as contemplated under Section 2(b) of the Tamil Nadu Act 14 of 1982. He also stated that as far this case is concerned, the petitioners along with the other accused were illegally transporting fake liquor bottles of 287 bottles of Express Brandy(each containing 180 ml) and 93 bottles of Black Pearly Brandy (each containing 180ml). He further submitted that there is no previous case as against the second petitioner (A4), however, he opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) and perused the materials available on record including the detention orders passed by the District Collector and District Magistrate, Ariyalur District.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.Side) that there is no previous case as against the second petitioner and also considering the age of the second petitioner, this Court is inclined to grant bail to the second petitioner alone with certain conditions.

7. Accordingly, in respect of the first and third petitioners, the criminal original petition stands closed and in respect of the second petitioner, the petition is ordered and the second petitioner is ordered to be released on bail on his executing a 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 No.I, Ariyalur** 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 second petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of four weeks and thereafter, every Saturday, at 10.30 a.m., until further orders;



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

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]***;

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

29.11.2022

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To

1. The Judicial Magistrate No.I, Ariyalur.
2. The Inspector of Police,
PEW Police Station,
Ariyalur District.
3. The Central Prison,
Trichy.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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