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Crl.O.P.No.15064 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.15064 of 2023

1.Abragamlingan
2.Ezhilragavan

...Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.
(Crime No.193 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.193 of 2023 on the file of the respondent police.

For Petitioners : Mr.J.Pradeep

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.05.2023 for the offences punishable under Sections 4(1)(a) r/w 4(1-A) of the Tamil Nadu Prohibition Act in Crime No.193 of 2023 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioners submitted that, petitioners are charged for the offences under Sections 4(1)(a) r/w 4(1-A) of the Tamil Nadu Prohibition Act in Crime No.193 of 2023. Petitioners are in judicial custody from 16.05.2023. They are falsely implicated in this case. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, petitioners are in illegal possession of (i) 180 ML of Bangalore Whisky (ii) 180 ML of Topstar Brand (iii) 180 ML of Aces Whisky valued at Rs.24,000/-. He further submitted that, petitioners have no previous cases pending against them. However, he prays for dismissing this petition.



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4. Considering the fact that, petitioners are in judicial custody from 16.05.2023 and they have no similar case pending against them and that the illegal possession of liquor has been seized and the fact that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail on their executing 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 No.2, 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] Petitioners shall be directed to make a non refundable deposit of **Rs.25,000/-** each **Little Hearts Rehabilitation Centre for the Persons with Mental Illness, C 456, Annai Perumayiammal Kalyana Mandabam, Saravanabhavan Nagar, Maniyanur, Salem-10, respectively. It is made clear that merely,**



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because the petitioners deposits 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.

[c] the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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].



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

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To

1.The Judicial Magistrate No.2, Hosur.

2.The Sub-Jail,
Hosur.

3.The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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