



CrI.OP.No.16200 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2023

CORAM

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

CrI.OP.No.16200 of 2023

Thirumoorthy

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
PEW-Hosur Police Station,
Krishnagiri District.
(Cr.No.768 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.768 of 2023 on the file of the respondent Police.

For Petitioner : Mr.R.Balagurusamy

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.07.2023 for the offences punishable under Section 4 (1) (a), 4 (1-A) of TN Prohibition Act, in Crime No.768 of 2023 on the file of the respondent police, seeks bail.



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2.The learned counsel for the petitioner submitted that petitioner is falsely implicated as an accused in Crime No.768 of 2023 registered for the offence under Section 4 (1) (a), 4 (1-A) of TN Prohibition Act. Petitioner is innocent. He is in judicial custody from 08.07.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that on 08.07.2023 at about 10.00 a.m. in Thenkanikottai to Anjeti Road, near Anjeti Royal Daba, the petitioner was found in illegal possession of following liquor bottles and that was seized.

i)650ml British Empire Brandy – 18 bottles

ii)TN IMFL – 180 ml Monitor Brandy – 30 bottlees

iii)Karnataka state liquors-Haywards Whisky 90 ml – 74 pockets

6600 ml and

iv)unsealed and unlabelled with open cap 180 ml plastic bottles-360ml.



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4.Considered the rival submissions and perused the records.

5.Considering the facts and circumstances of the case, that the liquor bottles were seized, and also the fact that petitioner is in judicial custody from 08.07.2023, and material part of investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, petitioner is directed to make a non-refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)** by way of **Demand Draft/RTGS/NEFT** to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, and on such deposit the petitioner is ordered to be released on bail on 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, Denkanikottai**, 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



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Bank pass Book to ensure their identity.

[b] the petitioner without prejudice to his defence shall deposit a non-refundable sum of Rs.25,000/-, by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

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

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

[e] the petitioner 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



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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].

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

21.07.2023

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To

1.The Judicial Magistrate, Denkanikottai.

2.The Inspector of Police,
PEW-Hosur Police Station,
Krishnagiri District.

3.Sub Jail, Hosur.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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