



Crl.O.P.No.17983 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

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

Crl.O.P.No.17983 of 2023

Yeswanth

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Prohibition Enforcement Wing,
Hosur Police Station,
Krishnagiri District.
Crime No.788 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.788 of 2023 on the file of the respondent police.

For Petitioner : Mr.S.Varanesh

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.07.2023 for the offences punishable under Sections 4(1)(a) read with Section 4(1-A) of TNP Act in Crime No.788 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.788 of 2023 for the offences under Sections 4(1)(a) read with Section 4(1-A) of TNP Act. He further submitted that, petitioner is innocent and he has been falsely implicated in this case. Petitioner is in judicial custody from 13.07.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, on 13.07.2023 at about 09.15.a.m., when the respondent police conducted vehicle check at Bangalore-Hosur Service Road, they found that petitioner was illegally transporting the following liquor in his vehicle bearing Reg.No.TN 70 AM 8992:



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- 1) Original Choice Whisky 180 ML -48 Pockets
- 2) Original Choice Whisky 90 ML 96 Pockets

The vehicle and liquor had been seized. He further submitted that, this is the first case registered against the petitioner.

4. Considering the nature, facts and circumstances of the case and there is no similar previous case against the petitioner and the alleged brandy bottles and vehicle involved were seized and that petitioner is in judicial custody from 13.07.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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.II, Hosur** and on further conditions that :-

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner without prejudice to his defence shall deposit a non-refundable sum of Rs.10,000/-(Rupees Ten Thousand Only), by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F 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



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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 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.

09.08.2023

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G.CHANDRASEKHARAN. J.

sma



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To

1. Judicial Magistrate No.II,
Hosur.
2. Sub Jail,
Hosur.
3. The Inspector of Police,
Prohibition Enforcement Wing,
Hosur Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court of Madras.

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