



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2023

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.19620 of 2023

Muthusamy

.. Petitioner/1st Accused

Vs.

State Rep.by
The Inspector of Police,
G-7, Chetpet Police Station,
Chennai.
(Crime No. 115/2023)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.115 of 2023 pending investigation on the file of the respondent police.

For Petitioner : M/s.Manivelan

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER



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The petition for bail for the alleged offences under Sections 4(1)(a), 4(1)(K) and 4(1-A) of Tamil Nadu Prohibition Act.

2. According to the prosecution, the petitioner was in possession of 15 bottles of Old chef brand brandy each 180 ml, 6 bottles of No.1 McDowell's fine brandy each 180 ml and 6 bottles of Black pearl brandy each 180 ml. The brother and wife of the petitioner were also found along with the petitioner. Hence he was arrested on 01.08.2023 at 10.00 a.m.

3. The learned counsel appearing for the petitioner submitted that the CCTV footage would indicate that the police took the petitioner for enquiry and foisted the false case.

4. The learned Government Advocate (Crl.Side) appearing for the State submitted that there is no previous case against this petitioner in similar nature. The other two accused are absconded.



5. On perusing the First Information Report and the CD file, this Court is of the view that the petitioner may be granted bail. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thosand only)** with two sureties, each for a like sum, to the satisfaction of the learned **II Metropolitan Magistrate, Egmore;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner is directed to report before the Investigating Officer everyday 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 Judicial 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



Dr.G.JAYACHANDRAN, J.

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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.

28.08.2023

rpl

To

1.The II Metropolitan Magistrate, Egmore, Chennai.

2.The Inspector of Police,
G-7, Chetpet Police Station,
Chennai.

3.The Superintendent,
Central Prison
Puzhal.

4.The Public Prosecutor,
High Court, Madras.

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