



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2023

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.19365 of 2023

Ellappa

.. Petitioner/Accused

Vs.

State through
The Inspector of Police,
PEW-Hosur Police Station,
Krishnagiri District.
(Crime No. 690/2023)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to release the petitioner on bail in the case in Crime No.690 of 2023 pending investigation on the file of the respondent police.

For Petitioner : M/s.R.Thirumoorthy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER



On Suo Motu complaint, for the alleged possession of illicit arrack originated from Karnataka, the petitioner was arrested on 18.06.2023, for the offences under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.690 of 2023, on the file of the respondent police, seeks bail.

2. The learned Additional Public Prosecutor for appearing for State submitted that the final report is not yet filed, expecting the lab report and also opposed to grant of bail stating that the petitioner is having two previous case of similar nature. This bail petition is opposed by the State on the ground that this petitioner is having four previous cases including one murder case.

3. Taking note the period of incarceration and delay in filing the final report, 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



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like sum, to the satisfaction of the learned **Judicial Magistrate-II, Hosur;**

(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 respondent police once in a week on every Monday 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



Dr.G.JAYACHANDRAN, J.

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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.

24.08.2023

ns1/rpl

To

1.The Judicial Magistrate-II, Hosur.

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

3.The Superintendent,
Central Prison
Salem.

4.The Public Prosecutor,
High Court, Madras.

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