



Crl.O.P.No.19752 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

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

Crl.O.P.No.19752 of 2023

T. Prakasam

...Petitioner

Vs.

The State Represented by,
Inspector of Police,
Indur Police Station,
Dharmapuri District.
(Crime No.103 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C.to grant bail to the petitioner in Crime No.103 of 2023 on the file of the respondent police.

For Petitioner : Mr.J. Bharathi Raja

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.08.2023 for the offences punishable under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.103 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of learned counsel for the petitioner that petitioner is falsely implicated as accused in Crime No.103 of 2023 for the offences under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act. Petitioner is in judicial custody from 10.08.2023. Thus, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that petitioner is second accused in this case. On 07.08.2023, the defacto-complainant along with Police party found first accused Muthu near his house while closing sacks with liquor bottles. On search, they found there were forty liquor bottles as follows:-

i)20 bottles of 180ml of Vorian



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- ii)14 bottles of MC Lene,
- iii)6 bottles of Golden choice.

4.The learned Additional Public Prosecutor further submitted that petitioner has twenty-eight previous cases pending against him. Liquor bottles had been seized.

5.Considered the rival submissions and perused the records.

6.The reading of the First Information Report shows that there is nothing stated about petitioner's involvement in Cr.No.103 of 2023. Petitioner is in judicial custody from 10.08.2023. The liquor had been seized in this case. In the said circumstances, this Court is inclined to grant bail to the petitioner with conditions.

7. 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



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of the **Learned Judicial Magistrate – II, Dharmapuri** 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] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

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

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To

- 1.The Judicial Magistrate – II,
Dharmapuri
- 2.District Jail,
Dharmapuri
- 3.The Inspector of Police,
Indur Police Station,
Dharmapuri District
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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