



Crl.OP.No.20480 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

**Crl.O.P.No.20480 of 2023**

1.Munusamy  
2. Sirinivasan

...Petitioners

Vs.

The State Rep by  
The Inspector of Police,  
Prohibition Enforcement Wing, Hosur,  
Krishnagiri District.  
(Crime No.969 of 2023)

...Respondent.

**PRAYER:**

Criminal Original Petition is filed under Section 439 of Cr.P.C.  
praying to enlarge the petitioners on bail pending investigation in Crime  
No.969 of 2023 on the file of respondent Police.

For Petitioners : Mr.P.M.Jayachandran

For Respondent : Mr.S.Rajakumar  
Additional Public Prosecutor



CrI.OP.No.20480 of 2023

WEB COPY

**ORDER**

The petitioners, who were arrested and remanded to judicial custody on 23.08.2023 for the offences punishable under Section 4 (1) (aa) r/w 4 (1-A) of TNP Act in Crime No.969 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioners submitted that, petitioners are falsely implicated as accused in Crime No.969 of 2023 for the offences under Section 4 (1) (aa) r/w 4 (1-A) of TNP Act. Petitioners are in judicial custody from 23.08.2023. He further submitted that, co-accused in this case were granted bail by this Court. Thus, he prays for grant of bail.

3.In response, the learned Additional Public Prosecutor submitted that petitioners along with other accused found with illegal possession of the following tobacco products, i)Top Star Brandy – 180 ml (48 packets), ii)plastic bottle – 180ml of liquor, at about 20.00 hours on 23.08.2023, near Jujuvadi check post in a car bearing No.TN 70 AK 3186. Liquor and car had been seized. He further submitted that, apart from this case,



Crl.OP.No.20480 of 2023

there is no previous case pending against the petitioners.

4.Considered the rival submissions and perused the records.

5.Considering the fact that liquor and car had been seized and the co-accused were enlarged on bail and the fact that petitioners are in judicial custody from 23.08.2023 and that material part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioners with conditions.

6.Accordingly, the petitioners are ordered to be released on bail on their 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 District Munsif Cum Judicial Magistrate – 2, Hosur**, 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.



CrI.OP.No.20480 of 2023

**[b] the petitioners shall report before the respondent Police daily at 10.00.a.m., until further orders.**

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

**15.09.2023**

sma

To



CrI.OP.No.20480 of 2023

WEB COPY

1. District Munsif Cum Judicial Magistrate – 2, Hosur

2. The Inspector of Police,  
Prohibition Enforcement Wing, Hosur,  
Krishnagiri District.

3. Sub Jail,  
Krishnagiri.

4. The Public Prosecutor,  
High Court of Madras

**G.CHANDRASEKHARAN. J.**



WEB COPY



Crl.OP.No.20480 of 2023

sma

**Crl.O.P.No.20480 of 2023**

**15.09.2023**