



Crl.O.P.No.20836 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

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

Crl.O.P.No.20836 of 2023

1.Rokesh

2.Ravi

...Petitioners

Vs.

The State Represented by,
Inspector of Police,
PEW Police Station,
Hosur,
Krishnagiri District.
(Crime No.963 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C.to grant bail to the petitioners in Crime No.963 of 2023 on the file of the respondent police.

For Petitioners : Mr.M.P.Saravanan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 22.08.2023 for the offences punishable under Sections 4(1)(aa) r/w 4(1-A) of Tamil Nadu Prohibition Act in Crime No.963 of 2023 on the file of the respondent police, seek bail.

2.It is the submission of learned counsel for the petitioners that petitioners are falsely implicated as accused in Crime No.963 of 2023 for the offences under Sections 4(1)(aa) r/w 4(1-A) of Tamil Nadu Prohibition Act. Petitioners are in judicial custody from 22.08.2023. Thus, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that on 22.08.2023, at about 09.00 a.m., the defacto-complainant along with Police party were engaged in vehicle check near Kempetti Bus stop. A car bearing No.KA 05 MD 6412 came in a rush manner and disobeyed the orders of Police party. Therefore, the vehicle was stopped and on search the following liquor bottles were found in the vehicle:- i)Top



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Star Brandy – 17280 ml, ii)Top Star Brandy – 69120 ml, iii)Plastic bottle – 87120 ml. The occupants of the car were i) Rakesh and ii)Ravi. He further submitted that second petitioner has no similar previous case pending against him and the first petitioner has the following three similar previous cases pending against him:- i)Cr.No.682 of 2022 - u/s 4 (1) (12) TNP Act), ii) Cr.No.296 of 2022 – u/s 4 (1) (a) r/w 4 (1) (1-A) TNP Act and iii)Cr.No.339 of 2021 – u/s 4 (1) (a) TNP Act.

4.Considered the rival submissions and perused the records.

5.Considering the fact that the vehicle and the liquor bottles had been seized, that second petitioner is in judicial custody from 22.08.2023 and he has no previous case pending against him, this Court is inclined to grant bail to the second petitioner with conditions. Having regard to the fact that first petitioner has three similar cases pending, this Court is not inclined to grant bail to the first petitioner. This Criminal Original Petition is allowed in part in respect of second petitioner and dismissed against the first petitioner.



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6. Accordingly, second 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 – II, 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.

[b] the second petitioner shall report before the respondent police daily at 10.00.a.m., until further orders.

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

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner released on bail by the



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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,
Hosur.
- 2.Central Jail,
Salem
- 3.Inspector of Police,
PEW Police Station,
Hosur,
Krishnagiri District.
- 4.The Public Prosecutor,
High Court of Madras.



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