



WEB COPY



Crl.O.P.No. 29129 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29129 of 2023

1.Srinivasa
2.Chikkathodde Gowda ... petitioners

Vs.

The State rep by
The Inspector of Police,
Dhenkanikottai Police Station,
Krishnagiri District.
Crime No.493 of 2023 ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners / Accused on bail in Crime No.493 of 2023
pending on the file of the respondent Police.

For petitioners : Mr.P.Muthamizhselvakumar

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners who was arrested and remanded to judicial custody
on 05.12.2023 for the offences punishable under Sections 4(1)(aa) and 4(1-



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A) of TNP Act in Crime No.493 of 2023 on the file of the respondent Police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused were found in illegal possession of 81 litres of liquor. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have been in judicial custody from 05.12.2023 and hence, he seeks for granting of bail to the petitioners.

4.The learned Additional Public Prosecutor for the respondent submitted that the petitioners along with other accused were found in illegal possession of 81 litres of liquor worth about Rs.28,412/-. She further submitted that there is no previous case against the petitioners. Hence, she opposed for granting of bail to the petitioners.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioners and considering the nature of offence, I am inclined to grant bail to the petitioners, subject to the following conditions:



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[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Denkanikottai and on further conditions that:

[b] the petitioners shall report before the respondent Police daily at 10.00 A.M., for a period of 30 days.

[c] the petitioners shall not commit any offences of similar nature.

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

[e] the petitioners 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 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].

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

28.12.2023

vkp/apd



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P.DHANABAL, J.

vkf

To

1. The District Munsif cum Judicial Magistrate, Denkanikottai.
2. The Inspector of Police,
Dhenkanikottai Police Station,
Krishnagiri District.
3. The Central Prison, Salem.
5. The Public Prosecutor,
High Court of Madras.

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