



Crl.O.P.No.100 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.100 of 2024

Gandhi @ Karthik

... Petitioner

Vs.

The State rep by
The Sub Inspector of Police,
Nolambur Police Station,
Chennai.
Crime No.292 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.292 of 2023 on the file of
the respondent Police.

For Petitioner : Mr.K.Prasanthan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner/A2 who was arrested and remanded to judicial
custody on 12.12.2023, seeks bail in Crime No.292 of 2023, which was



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registered by the respondent Police for the offences under Sections 4(1)(a), 4(1)(i) & 4(1-A) TNP Act.

2.The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 84 bottles of liquor (each bottle contains 180 ml). Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody from 12.12.2023 and the co-accused in this case has been granted bail by the learned Single Judge of this Court in Crl.O.P.No.29041 of 2023 on 28.12.2023. Hence, he seeks for granting of bail to the petitioner.

4.The learned Government Advocate (crl.side) for the respondent submitted that the petitioner was found in illegal possession of 84 bottles of liquor (each bottle contains 180 ml). She further submitted that there are 3 previous cases pending against the petitioner. Hence, she opposed for granting of bail to the petitioner.



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5.Taking all the factors into consideration and the period of incarceration undergone by the petitioner and also considering that the quantity of contraband, I am inclined to grant bail to the petitioner, subject to the following conditions.

6.Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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 **Judicial Magistrate, Ambattur** 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, everyday 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



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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.

05.01.2024

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To

- 1.The Judicial Magistrate, Ambattur.
- 2.The Sub Inspector of Police,
Nolambur Police Station,
Chennai.
- 3.The Central Prison, Puzhal II.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN, J.

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