



Crl.O.P.No.2775 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

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

Crl.O.P.No.2775 of 2024

1.Vignesh

2.Shankar @ Sankar

...Petitioners/Accused

Vs.

State represented by
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.

(Crime No.522 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail concerned in Crime No.522 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioners : Mr.T.Dhasarathan

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



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ORDER

The petitioners/A2 and A3 in Crime No.522 of 2023, registered at the present by the respondent for the offences under Sections 4(1)(a), 4(1-A) and 24 of TN Prohibition Act r/w 420, 468 and 471 of IPC, seek bail. They had been remanded to custody on 25.12.2023.

2.I had stated the words at the present since it is represented by the learned Government Advocate (Crl. Side) for the respondent that the samples taken from the opened bottles of liquor seized from the shop, in which A1 is the Manager, have been sent to forensic laboratory report and if result indicates poisonous substance then there would be alteration of provisions of law.

3.The facts of the case as stated by the prosecution is that A1 is the Manager of TASMACH Shop No.1699 at SPB Keel Colony at Namakkal District, and A2, A3, A4 and A5, are employees in that particular shop. It is stated that the respondent had seized 40 bottles of liquor which were found opened and from which poisonous smell came out. It is also contended that there was seizure made of the properties in a mahazar in



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the presence of the witnesses.

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4.It is stated that that if there was poison mixture added to the liquor then it would cause harm to the public and even endanger to human life.

5.The learned Government Advocate (Crl. Side) for the respondent stated that investigation is at crucial stage and the forensic lab report is awaited.

6.The earlier application seeking bail had been dismissed by this Court on 24.01.2024 in Crl.O.P.No.738 of 2024.

7.A counter affidavit has been filed on behalf of the respondent wherein it had been stated that as against A2, there are three previous cases. It had also been stated that the chemical analysis report from the laboratory will have to be obtained and that A4 and A5 are still absconding but however the petitioners herein are in custody for a considerable period of time and if the laboratory report is obtained, the



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respondents are always at liberty to include any further provisions of law as are required.

8.Taking into consideration the period of incarceration and all other factors, I am inclined to grant bail to the petitioner subject to the following conditions:

9.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Kumarapalayam, Namakkal District, 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 petitioners shall report before the respondent police everyday at 10.30 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



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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.

13.02.2024

ata

C.V.KARTHIKEYAN. J.

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To

- 1.The Judicial Magistrate, Kumarapalayam, Namakkal District.
- 2.Central Prison, Salem.



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3.The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.

4.The Public Prosecutor,
High Court of Madras.

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