



Crl.O.P.Nos.4147 & 4184 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

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

Crl.O.P.Nos.4147 & 4184 of 2024

1.Asokan

2.Megavannan

...Petitioners in Crl.O.P.No.4147 of 2024

Lakshmipathi

...Petitioners in Crl.O.P.No.4184 of 2024

Vs.

State represented by
The Inspector of Police,
Polur P.E.W Police Station,
Tiruvannamalai District.
(Crime No.689 of 2023)

...Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail concerned in Crime No.689 of 2023 on the file of the respondent police on such terms and conditions.

In both Crl.O.Ps

For Petitioners : Mr.E.Sathiyaraj

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

COMMON ORDER



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The petitioners seek bail in Crime No.689 of 2023, registered by the respondent police for the offences under Section 4(1)(aaa) r/w 4(1-A)(ii) of TNP Act r/w Sections 6 and 7 of RS Rules, 2000. The petitioner had been remanded to judicial custody on 05.01.2024.

2.It is stated that the petitioners and the other accused were found in possession of 3500 litres of ID arrack.

3.It is stated that A5 and A6 had been detained under Tamil Nadu Act 14 of 1982 but subsequently, the detention order had been set aside by the Hon'ble Division Bench of this Court.

4.It is seen that there are previous cases against the petitioners herein but however, it is stated by the respondent that investigation has been completed and final report has also been filed before the Judicial Magistrate, Arni.

5.The co-accused in this case had already been granted bail by this Court.

6.Taking into consideration the period of incarceration and also of the fact that the co-accused had been granted bail by this Court, I am inclined to grant bail to the petitioners herein subject to the following conditions:



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7. Accordingly, the petitioners are 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 Judicial Magistrate, Arni, Tiruvannamalai 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 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.



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To

1. The Judicial Magistrate, Arni, Tiruvannamalai District.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
Polur P.E.W Police Station,
Tiruvannamalai District.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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