



Crl.O.P.No.7624 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024
CORAM

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

Crl.O.P.No.7624 of 2024

Dharmalingam

..Petitioner

Vs.

State represented by
Inspector of Police,
Prohibition Enforcement Wing
Hosur, Krishnairi District,
(Crime No.152 of 2024).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.152 of 2024 on the file of the respondent police.

For Petitioner : Mr.A. Balamurugan

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

ORDER

The petitioner/A1 who was arrested and remanded to judicial custody on 14.02.2024 for the offences registered by the respondent Police under Sections 4(1)aaa and 4(1-A) of TNP Act, in Crime No.152 of 2024, seeks bail.



Crl.O.P.No.7624 of 2024

WEB COPY

2.It is stated that the petitioner transported 172 litres of liquor in a vehicle bearing registration No.KA 03 MW 0390. The earlier bail application filed by the petitioner was dismissed vide order dated 07.03.2024 in Crl.O.P.No.5609 of 2024 and in that order it was observed that A2 is absconding. The learned Government Advocate (crl.side) stated that now A2 has subjected himself to judicial process and has filed Anticipatory bail application before the Sessions Court.

3.Taking into consideration all other factors and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

4.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 II, Hosur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left



CrI.O.P.No.7624 of 2024

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 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.

28.03.2024

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Crl.O.P.No.7624 of 2024

C.V.KARTHIKEYAN. J.

smn

To

- 1.The **Judicial Magistrate II, Hosur,**
2. The Sub Jail, Hosur
- 3.Inspector of Police,
Prohibition Enforcement Wing
Hosur, Krishnairi District,
(Crime No.152 of 2024).
- 4.The Public Prosecutor, High Court of Madras.

Crl.O.P.No.7624 of 2024

28.03.2024