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Crl.O.P.No.7670 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM

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

Crl.O.P.No.7670 of 2024

R. Sreedhar

... Petitioner

Vs.

State Rep by the Inspector of Police,
PEW Perianaickenpalayam Police Station,
Coimbatore District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.2033 of 2023 on the file
of the respondent.

For Petitioner : Mr.C.P. Sivamohan

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

ORDER

The petitioner who was arrested and remanded to judicial custody
on 21.01.2024 for the offences registered by the respondent Police under
Sections 4(1)(aaa), 4(1-A), 4(1)(b), 4(1)(g), 4(1)(h) of Tamil Nadu
Prohibition Act, 1937 and Section 7 of Tamil Nadu Rectified Sprit Rules,
2000 and Sections 420, 467 468, 471 of IPC r/w Sections 34 and 109 of IPC,



Crl.O.P.No.7670 of 2024

in Crime No.2033 of 2023, seeks bail.

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2.It is the contention of the learned counsel for the petitioner that in the FIR, the petitioner was not arrayed as an accused, but subsequently in the confession of A1, it had emanated that this petitioner had supplied empty bottles to A1 in order to fill the liquor and supply it in the black market.

3.The learned counsel for the petitioner stated that A17, A18 and A19 who also stand on the same footing had been granted bail.

4.A counter had been filed wherein, it had been stated that on 11.12.2023, the respondent had taken into custody A2 and A3. Their confessions were recorded. Subsequently, further accused had also been taken into custody and their confessions were also recorded.

5.The learned counsel for the petitioner made a further plea that the petitioner has been doing business for nearly more than a decade which has also been registered under GST and had necessary trade license to deal with the scrap materials particularly about empty bottles. It is stated that he had been supplying empty bottles across many places.

6. The specific case of the prosecution is that the petitioner had not directly supplied to the other accused particularly A1, A2 and A3 but rather A17 atleast had purchased empty bottles from the petitioner herein and thereafter, those bottles have been used for selling spurious liquor. Rectified



Crl.O.P.No.7670 of 2024

spirit is a banned substance so far as the State of Tamil Nadu is concerned.

7.The respondent had seized nearly about 2595 litres of rectified spirit and 5415 empty bottles (each containing 180ml).

8. The earlier application seeking bail was dismissed vide order dated 12.03.2024 in Crl.O.P.No.3715 of 2024. It is stated that for some of the co-accused bail was granted under Section 167(5) of Cr.P.C by the Lower Court. It is also stated that investigation is also proceeded to substantial extent.

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

10.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, Mettupalayam** 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



Crl.O.P.No.7670 of 2024

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.

27.03.2024

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To

- 1.The **Judicial Magistrate, Mettupalayam.**
2. The Inspector of Police,
PEW Perianaickenpalayam Police Station,
Coimbatore District.
- 3.The Central Prison, Coimbatore.
4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN, J.



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