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Crl.OP.No.12361 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

**THE HONOURABLE MR. JUSTICE C.SARAVANAN**

**Crl.O.P.No.12361 of 2024**

Gopi @ Gopal

... Petitioner

Vs.

State by :-

Inspector of Police,

PEW, Mettur,

Salem District.

(Crime No.448/2024)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.448 of 2024 pending on the file of the Inspector of Police, PEW, Mettur, Salem District.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)

**ORDER**

The petitioner/Accused who was arrested and remanded to judicial



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custody on 28.04.2024 for the offence punishable under Sections 4 (1) (g), 4 (1)

(a) and 4 (1-A) of Tamil Nadu Prohibition Act, 1937 in Crime No.448 of 2024

on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is found in possession of 4 litres of illicit liquor and 50 litres of wash illegally. Hence, this complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, who is in no way connected with the alleged offence, and a false complaint has been foisted against him for statistical purpose. Hence, he seeks for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) would submit that the petitioner has a history of committing similar crime. He further submitted that the petitioner is also involved in one previous case in Crime No.814 of 2023. Hence, he vehemently opposed for grant of bail to the petitioner.



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5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the petitioner is in judicial custody from 28.04.2024, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.448 of 2024 and on such deposit the petitioner is ordered to be released on bail on his executing 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 No.I, Mettur, Salem District and on further conditions that :-

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[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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.448 of 2024 and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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



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laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala

[(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

**22.05.2024**

Index: Yes/No  
Internet: Yes/No  
Speaking/Non-Speaking order  
mtl

To

- 1.State by :-  
Inspector of Police,  
PEW, Mettur,  
Salem District.
- 2.The Judicial Magistrate No.I, Mettur, Salem District.
- 3.The Central Prison, Salem.
- 4.The Public Prosecutor, High Court of Madras.

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**C.SARAVANAN, J.**

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