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CrI.O.P.No.19024 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.19024 of 2024

1.Puthiri

2.Ayyan

3.Govindammal

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Archetty Police Station,
Krishnagiri District.

(Crime No.144 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. 2023, pleaded to enlarge the petitioner on bail, in Crime No.144 of 2024 on the file of the respondent Police.

For Petitioners : Mr.S.Thankira

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 19.07.2024, for the alleged offences punishable under Sections 4(1)(a), 4(1)(g), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.144 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 7 litres of illicit arrack. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case, due to false information given by the Forest guards against them. The petitioners are in no way connected with the alleged offence as stated in FIR. They were arrested and are in judicial custody for more than 35 days, and they are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the



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respondent police would contend that the petitioners were found to be in illegal possession of 7 litres of I.D. arrack. He further submitted that the petitioners have no previous case pending against them, and thereby, he opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence and considering the period of incarceration undergone by the petitioners and considering that there is no previous case against the petitioners, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each**, with two sureties, for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Denkanikottai, Krishnagiri District, and on further conditions that :-

[a] the petitioner shall report before the respondent police everyday at



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10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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 269 BNS.

07.08.2024

drl



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- 1.The District Munsif cum Judicial Magistrate,
Denkanikottai, Krishnagiri District.
 - 2.The Inspector of Police,
Archetty Police Station,
Krishnagiri District.
 - 3.The Superintendent,
Central Prison,
Vellore.
 - 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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