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CrI.O.P.No.20244 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

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

CrI.O.P.No.20244 of 2024

1.Muthusamy

2.Jayasuriya

3.Kaaleeswaran

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Podhanur Police Station,
Coimbatore City.
(Crime No. 168 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, pending investigation of the case in
Crime No. 168 of 2024 on the file of the respondent Police.

For Petitioners : Mr.M.Vijayaragavan

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 01.08.2024, for the alleged offence punishable under Sections 4(1) (a) of TNP Act in Crime No.168 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 123 numbers of liquor bottles. 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. They have not committed any offence as alleged in the FIR. He would further submit that the petitioners were arrested and they are in judicial custody for more than 20 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 respondent police submitted that the petitioners were found in illegal



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possession of 123 numbers of liquor bottles and the same has been recovered from the petitioners. He further submitted that the petitioners have no previous cases, pending against them, and thereby, he strongly 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 the quantity involved and considering the period of incarceration undergone by the petitioners and also considering that the petitioners have no previous cases pending against them, and also considering all others factors, 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 learned District Munsif cum Judicial Magistrate, Madukkarai, and on further conditions that:-



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[a] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

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

[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 Judicial 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 269 BNS.

21.08.2024

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To

- 1.The District Munsif cum Judicial Magistrate,
Madukkarai.
- 2.The Inspector of Police,
Podhanur Police Station,
Coimbatore City.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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