



Cr1.O.P.No.27800 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.27800 of 2024

Babu

S/o.Krishnappa

... Petitioner

Vs.

State represented by
The Inspector of Police
Mathigiri Police Station
Krishnagiri District
(Crime No.441 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the Petitioner on bail, in Crime No.441 of 2024, on the file of the respondent Police.

For Petitioners : Mr.J.Pradeep

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1.Side)

ORDER

This Criminal Original Petition has been filed by the Petitioner, who was arrested and remanded to judicial custody on 25.10.2024, seeking



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bail in Crime No.441 of 2024 registered under Section 4(1)(A) of TNP (amendment) Act.

2.The case of the prosecution is that when the Respondent Police were on their regular patrol duty, the Petitioner was found in possession of 9 litres of liquor made in Karnataka in a vehicle bearing Reg. No.TN 70 AS 8985 and he used the same for sale by illegal means, which was banned by the Government. Hence the case.

3.Learned Counsel appearing for the Petitioner submitted that the the Petitioner is an innocent person and he has been falsely implicated in this case and the bail application filed by the Petitioner before the learned Principal Sessions Judge, Krishnagiri was dismissed on 30.10.2024. Hence, he prayed for grant of bail to the Petitioner stating that the Petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the Petitioner was found with 50 packets of Indian made foreign liquor (9 litres) from Karnataka and there is no previous



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case pending against the Petitioner, however, he objected for granting bail to the Petitioner.

5.At this juncture, the learned counsel for the Petitioner submitted that the Petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or to any shelter home. Hence, he prayed for grant of bail to the Petitioner.

6.Heard the learned Counsel appearing for the Petitioner and the learned Government Advocate (Cr1. Side) for the respondent Police and perused the materials available on record.

7.On considering the voluntary submission made by the learned counsel for the Petitioner, the Petitioner is directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) as non refundable deposit to "The Dean/Medical Officer, Government Krishnagiri Medical College and Hospital, Krishnagiri", without prejudice to his rights and contentions before the trial Court.



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8. Merely, because the Petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering that there is no previous case pending against the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions.

10. Accordingly, the Petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.10,000/- (Rupees ten thousand only)** to the credit of "**The Dean/Medical Officer, Government Krishnagiri Medical College and Hospital, Krishnagiri**", without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof, the Petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of



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the learned **Judicial Magistrate No.II, Hosur**, 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 appear before the respondent police, on 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 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Judicial Magistrate No.II,
Hosur.

2.The Inspector of Police
Mathigiri Police Station
Krishnagiri District

3. The Sub Jail,
Hosur.

4.The Public Prosecutor,
High Court of Madras.

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