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Crl.O.P.No.28492 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

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

Crl.O.P.No.28492 of 2024

1. Krishnakumar

2. Thiyaneswaran

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Vellakoil Police Station,
Tiruppur District.
(Crime No.440 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.440 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.T.Shunmugarajeswaran

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who was arrested and remanded to judicial custody on 28.10.2024 seeking bail in Crime No.440 of 2024 registered for the offence under Sections 4(1)(A) & 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act, 2024.



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2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they found that the accused were illegally transporting 4 ½ of litres of illicit arrack in their car. 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. He also submitted that the petitioners are in custody from 28.10.2024 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, submitted that the petitioners were found to be in illegal possession of 4.5 litres of illicit arrack. He further submitted that there is no previous case against these petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defence and contention, are ready and willing to deposit an amount of Rs.10,000/- each as non-refundable deposit to any



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welfare scheme of the Government or any organization. Hence, he prayed for grant of bail to the petitioners.

6. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.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 petitioners, the petitioners are directed to deposit a sum of Rs.10,000/- as non refundable deposit to "District Legal Services Authority, Tiruppur", without prejudice to their rights and contentions before the trial Court.

8. Merely because the petitioners deposit the said amount, it would not amount to admission of their 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 the fact that there is no previous case against the petitioners, this



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Court is inclined to grant bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are ordered to be released on bail on condition to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only) each** to the credit of "**District Legal Services Authority, Tiruppur**", without prejudice to their rights and contentions before the trial Court and on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Kangeyam**, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[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;



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[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.

14.11.2024

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To

1. The Judicial Magistrate,
Kangeyam.
2. The Inspector of Police,
Vellakoil Police Station,
Tiruppur District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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