



Crl.O.P.No.28902 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

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

Crl.O.P.No.28902 of 2024

1. Sudhakar
2. Sivakumar
3. Muni Krishna

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
(Crime No.461 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.461 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.J.Pradeep

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 08.11.2024 seeking bail in



CrI.O.P.No.28902 of 2024

Crime No.461 of 2024 registered for the offence under Section 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024.

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 68 packets of carnival xxx rum (each 180 ml) from the State of Karnataka. 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 08.11.2024 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 (CrI.Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, submitted that the petitioners were illegally transporting 68 packets of carnival xxx rum (each 180 ml) from the State of Karnataka. He further submitted that there is no previous case against these petitioners.



Crl.O.P.No.28902 of 2024

WEB COPY

5. 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.

6. 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 against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, 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 No.2, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of



CrI.O.P.No.28902 of 2024

WEB COPY

**two weeks and thereafter, on every Saturday 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;

[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 of B.N.S.

20.11.2024

ham



CrI.O.P.No.28902 of 2024

WEB COPY

To

1. The Judicial Magistrate No.2,
Hosur.
2. The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
3. The Superintendent,
Sub Jail,
Hosur.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.28902 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.28902 of 2024

20.11.2024