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Crl.O.P.No.31189 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

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

Crl.O.P.No.31189 of 2024

Praveen

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
PEW-Perur Police Station,
Coimbatore.
Crime No.563 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioners on bail in Crime No.563 of 2024 pending
investigation on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 15.09.2024, for the alleged offence under Sections 4(1)(A) of TNP



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Amendment Act, 2024 and Section 7 of TNRS Rules 2000, in Crime No.563 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.09.2024 at about 11.00 hours, when the respondent police received a secret information about the illegal sale of Rectified Spirit, based on that, he along with his police team went to the place of occurrence at Kuriyakosh Thottam, where, they found the petitioner along with other accused is in possession of 4500 litres of Rectified Spirit and the same was seized by the respondent police. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the third bail petition filed by the petitioner. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submitted that the similarly placed co-accused in this case has been granted bail by this Court. He also submitted that the detention of the petitioner under “Bootlegger” under Section 2(b) of the Tamil Nadu Act 14 of 1982 and the same was revoked by the Government on 06.12.2024. He further submits



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that the petitioner was arrested and is in judicial custody from 15.09.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant bail for the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that there are totally eight accused in this case and the petitioner herein is ranked as A2, and that on the date of the alleged occurrence, when the respondent police received a secret information about the illegal sale of Rectified Spirit, based on that, he along with his police team went to the place of occurrence at Kuriyakosh Thottam, where, they found the petitioner along with other accused is in possession of 4500 litres of Rectified Spirit. He further submitted that from this petitioner 110 litres of rectified spirit has been seized by the respondent police. During investigation, it was revealed that the rectified spirit was hidden from the Doni Thottam for illegal sale; and that the petitioner has two previous cases, similar in nature, pending against him, and that the petitioner belongs to native of Kerala. He further submitted that the investigation in this case is almost completed. However, he strongly opposed to grant bail to the petitioner.



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

6. Considering the representation made by both side counsel, nature of offence, co-accused was also released on bail, considering that the petitioner was detained under Bootlegger of the Tamil Nadu Act 14 of 1982 and thereafter, the detention order of the petitioner has been revoked, though the petitioner has two previous cases in Kerala, in all that cases, he has been released on bail, investigation was almost completed, and that considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Pollachi, and on further conditions that:-



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[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond 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]; and



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

13.12.2024

drl

To

- 1.The Judicial Magistrate No.I,
Pollachi.
- 2.The Inspector of Police,
PEW-Perur Police Station,
Coimbatore.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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P.DHANABAL, J.

drl

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