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Crl.O.P.No.31332 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.31332 of 2024

Prakasam

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
PEW-Namakkal,
Namakkal District.
Crime No.549 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioners on bail in Crime No.549 of 2024 on the file
of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 28.09.2024, for the alleged offence under Sections 4(1)(A), 4(1)(C), 4(1-



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A)(ii) of TNP Amendment Act, 2024, in Crime No.549 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.09.2024, when the respondent police received a secret information about the illegal sale of illicit arrack, based on that, he along with his police team went to the place of occurrence, wherein, they found the petitioner along with other accused is in possession of 5 litres of illicit arrack along with 150 litres of fermented wash. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second 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 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the detention of the petitioner under “Bootlegger” under Section 2(b) of the Tamil Nadu Act 14 of 1982 and the same was revoked by the Government on 06.12.2024.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 that the petitioner was arrested and is in judicial custody from 28.09.2024 and is ready to abide by



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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 on the date of the alleged occurrence, when the respondent police received a secret information about the illegal sale of illicit arrack, based on that, he along with his police team went to the place of occurrence, where, they found the petitioner along with other accused is in possession of 5 litres of illicit arrack along with 150 litres of fermented wash. He further submitted that from this petitioner 5 litres of illicit arrack has been seized by the respondent police. He further submitted that the petitioner has one previous case, pending against him; and that the investigation in this case is almost completed. However, he strongly opposed to grant bail to the petitioner.

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



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6. Considering the representation made by both side counsel, nature of offence, 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 one previous case, in which, 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, Sendamangalam, and on further conditions that:-

[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;



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[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

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

13.12.2024

drl



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P.DHANABAL, J.

drl

To

- 1.The Judicial Magistrate,
Sendamangalam.
- 2.The Inspector of Police,
PEW-Namakkal,
Namakkal District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.

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