



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.21573 of 2021

Chinnapaiyan

... petitioner

Vs.

State:

...Respondent

The Sub- Inspector of Police
Nagarasampatti Police Station
Krishnagiri District.
Crime No: 316 of 2021.

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to release the petitioner on bail pending investigation in Crime No.316 of 2021 on the file of the respondent police.

For petitioner : Mr.M.P.Saravanan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.11.2021 for the offences under **Sections 4(1)(a), 4(1)(g) r/w 4 (1-A)(ii) of Tamil Nadu Prohibition Act** in Crime No.316 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.11.2021, the respondent police were engaged in regular patrol duty. At that time petitioner was found in illegal possession of 600 litres of Distillation arrack and 5 litres of illicit arrack. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 10 days from 05.11.2021. He would further submit that co-accused /A2 and A3 have been granted bail by this Court in CrI.O.P.No.21303 of 2021 dated 15.11.2021. Further, on instructions, he would submit that the petitioner without prejudice to his rights, on his own volition, is



ready to pay a sum of Rs.5,000/- to any Charitable institution as may be directed by this Court and he would pray for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the petitioner was found in illegal possession of 600 litres of Distillation arrack and 5 litres of illicit arrack.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand Only), to the credit of the **Registered Advocates Clerks Association, Krishnagiri District**, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocates.

6. It is made clear that the deposit of the amount by the petitioner to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the period of incarceration undergone by the petitioner and the fact that the co-accused have been granted bail, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 District Munsif Cum Judicial Magistrate, Pochampalli**, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only)** through demand draft to the **Registered Advocates Clerks Association, Krishnagiri District**, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) 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;

(c) **the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;**

(e) the petitioner shall not tamper with evidence or

<https://hcservices.mca.gov.in/resolver> during investigation or trial;



(e)the petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned 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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

18/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF-CUM
JUDICIAL MAGISTRATE, POCHAMPALLI,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
NAGARASAMPATTI POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

6 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
KRISHNAGIRI DISTRICT.

CC to M/S. M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.21573/2021

Date :18/11/2021