



Crl.OP.No.15656 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.15656 of 2022

1.Gowtham @ Gowthaman
2.Shanmugam
3.Krishnakumar
4.Somuraj
5.Mohanraj

..Petitioners/accused

Vs.

The State rep. by
The Inspector of Police,
Prohibition Enforcement Wing-
PEW – Sirkazhi Police Station,
Sirkazhi,
Mayiladuthurai District
Crime No.475 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in crime No.475 of 2022
pending investigation on the file of the respondent police.

For Petitioners : Mr.D.Arun

For Respondent : Mr.A.Damodaran,



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Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 19.06.2022 for the offences punishable under Sections 4(1)(aaa) and 4(1-A) of Tamilnadu Prohibition Act in crime No.475 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 19.06.2022, while the respondent were on their regular patrol duty, the petitioners were found with 260 litres of pondicherry arrack with two boxes by 2160 brandy bottles each 180 ml and 480 brandy bottles each 90 ml. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. However, on instructions, he would further submit that each of the petitioners is ready to deposit an amount of Rs.20,000/- to the Stanley Medical College and prays for grant of bail to the petitioners.



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4.The learned Additional Public Prosecutor would submit that the petitioners were found with 260 litres of illicit arrack. He would further submit that the petitioners have no previous cases. However, he vehemently opposed to grant bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that each of the petitioners has come forward to deposit an amount of Rs.20,000/- to the Stanley Medical College, this Court is inclined to grant bail to the petitioners. Accordingly, each of the petitioners is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) directly to the **Dean, Stanley Medical College, Chennai**, and on such deposit the petitioners are ordered to be released on bail on their executing a separate 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 Judicial Magistrate Court, Sirkazhi, Mayiladuthurai District and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb



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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] each of the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) directly to the **Dean, Stanley Medical College, Chennai** to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[c] the petitioners shall stay at Kallakurichi and report before the Inspector of Police, Kallakurichi Police Station, Kallakurichi daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness 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 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]**.



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[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate Court,
Sirkazhi, Mayiladuthurai District
- 2.The Inspector of Police,
Prohibition Enforcement Wing-
PEW – Sirkazhi Police Station,
Sirkazhi,
Mayiladuthurai District
- 3.The Superintendent of Prison,
Sub Jail,
Sirkazhi
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.
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