



CrI.O.P.No.22619 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

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

CrI.O.P.No.22619 of 2022

1. Raja
2. Ezhumalai
3. Dhanasekar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
PE Wing Police Station,
Cuddalore.
Crime No.1335 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in Crime No.1335 of 2022 on the
file of the respondent Police.

For Petitioners : Mr.S.Indrajith

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.09.2022 for the offences punishable under Sections 484, 465, 468, 471 and 420 of IPC read with Sections 4(1)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.1335 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners/accused, who are the TASMAL Bar contractors, along with the other accused were found in possession of 912 duplicate bottles of 180 ml liquor of Pondicherry origin, worth of Rs.1,18,560/-. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners, having only sold the liquor supplied by the TASMAL, have not committed any offence as alleged by the prosecution. He would also submit that there are no previous cases as against the petitioners. He would further submit that without prejudice to their contentions, each of the



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petitioners are prepared to deposit a sum of Rs.25,000/- to the **Dean/Medical Officer, Government Headquarters Hospital, Cuddalore**. Therefore, he prays for grant of bail to the petitioners.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners who are the TASMAL Bar contractors along with the other accused were found in possession of 912 duplicate bottles of 180 ml liquor of Pondicherry origin, worth of Rs.1,18,560/-. He would also submit that there are no previous cases as against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that each of the petitioners have come forward to deposit an amount of Rs.25,000/- to the **Dean/Medical Officer, Government Headquarters**



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Hospital, Cuddalore, this Court is inclined to grant bail to the petitioners.

However, it is made clear that merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Accordingly, each of the petitioners shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** by way of Demand Draft to the **Dean/Medical Officer, Government Headquarters Hospital, Cuddalore**, and on such deposit, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif Judge/Judicial Magistrate, Kurinjipadi**, 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;



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[b] the petitioners shall report before the respondent police daily 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 229A IPC.

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To

1. The District Munsif Judge/Judicial Magistrate,
Kurinjpadi.
2. The Inspector of Police,
PE Wing Police Station,
Cuddalore.
3. The Superintendent,
Sub Jail,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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