

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

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

Crl.O.P.No.24863 of 2022

1. Jagadish
2. Shashikumar
3. J.R.Mohan ... Petitioners

Vs.

State rep. By,
The Inspector of Police,
P.E.W - Erode Police Station,
Erode District.
(Crime No.884/2022) ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in Crime No.884 of 2022 on the
file of the respondent.

For Petitioners : Mr.M.Selvam
For Respondent : Mr.C.E.Pratap
Government. Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.09.2022 for the offences punishable under Sections 4(1)(a), 4(1-A), 4(1)(b), 4(1)(g) and 4(1)(h) Tamil Nadu Prohibition Act and Under Section 420, 467, 468 and 471 of IPC and Rule 7 of Tamil Nadu Rectified Spirit Rules, 2000 in Crime No.884 of 2022 on the file of the Respondent Police, seek bail.

2. The case of the Prosecution is that on 09.09.2022, the petitioners along with other accused had involved in preparation of duplicate IMFL and they had cheated the licensed distilleries by creating their forged label and hologram stickers and further they were found in preparation of rectified spirit and in possession of 16.5 litres of illicit liquor. Hence, the case.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent and they had been falsely implicated in this case. He would further submit that the similarly place accused has been

granted with bail by this Court in Crl.O.P.No.24480 of 2022 dated 06.10.2022. He would also submit that without prejudice to his contentions, the petitioners are prepared to deposit a considerable amount as non-refundable to any Welfare Scheme of the Government. Therefore, he prays for grant of bail to the petitioners.

4. The respondent has filed the detailed counters.

5. The learned Government. Advocate (Crl.Side) appearing for the Respondent would submit that the petitioners are arrayed as A6, A8 & A9 respectively and there is no previous case pending against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

6. Heard the learned counsel for the petitioners and the learned Government. Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

7. In order to curb the illegal activities of preparation of rectified spirit and selling of illicit liquor, this Court is of the opinion that the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) each as a non refundable deposit to "The Dean/Medical Officer, Thanthai Periyar Government Headquarters Hospital, Erode District", without prejudice to their rights and contentions before the trial Court.

8. Merely, because the petitioners have deposited 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.

9. Taking into consideration the facts and the submissions of the learned Counsel and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.25,000/- each to any Welfare Scheme of the Government and also considering that the co-accused has been granted with bail by this Court, this Court is inclined to grant bail to the petitioners.

10. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each by way of **Demand Draft/RTGS/NEFT** to the **"The Dean/Medical Officer, Thanthai Periyar Government Headquarters Hospital, Erode District"**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, 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** (out of which one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate Court II, Erode** , and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate Court No.II, Erode shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity;

(b) the petitioners shall file the proof of their permanent residence before the Court concerned;

(c) the petitioners shall report before the Respondent Police everyday at 10.00 a.m., until further orders;

(d) the petitioners shall not influence, threaten or coerce the witness either during investigation or trial;

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

(f) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court;

(g) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

14.10.2022

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To

1. The Judicial Magistrate Court II,
Erode.
2. The Inspector of Police,
P.E.W - Erode Police Station,,
Erode District.
3. The Sub Jail,
Erode
4. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA,J.

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