



Crl.O.P.No.25801 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

Crl.O.P.No.25801 of 2022

Sambu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kondalampatty Police Station,
Salem District.

(Crime No.420/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.420
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.Sureshkumar

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



Crl.O.P.No.25801 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.08.2022, for the offences punishable under Sections 4(1-A), 4(1)(a) of TNP Act, in Crime No.420 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police and their team were on routine patrol duty, they found the petitioner was in illegal possession of 10 bottles of brandy each containing 180 ml. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that this is the second bail application before this Court. He would further submit that the earlier bail application has been dismissed by this Court in Crl.O.P.No.23676 of 2022 vide order dated 10.10.2022 stating that the petitioner having seven previous cases. He would also submit that the petitioner has got bail in those previous cases. He would also state that the petitioner is in custody from 25.08.2022 and he is ready to abide by any



Crl.O.P.No.25801 of 2022

stringent conditions that may be imposed by this Court. He would also submit that without prejudice, the petitioner is prepared to make a deposit Rs.10,000 as non-refundable deposit to any welfare scheme of the Government and hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner was found in illegal possession of 10 bottles of brandy each containing 180 ml. He would also submit that the petitioner is a habitual offender and he has 7 previous cases of similar nature as against him. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. In order to curb the illegal activities of transporting and selling of illicit arrack, this Court is of the opinion that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as a non refundable deposit to



Crl.O.P.No.25801 of 2022

WEB COPY

"The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem", without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner is prepared to deposit Rs.10,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of **Rs.10,000/- (Rupees Ten thousand only)** by way of **Demand Draft/RTGS/NEFT** to the **"The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem"**, without prejudice to his rights and contentions



CrI.O.P.No.25801 of 2022

before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a 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 Judicial Magistrate - V, Salem**, 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;

[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m. and 5.30p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner 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 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



WEB COPY



Crl.O.P.No.25801 of 2022

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.

20.10.2022

ham

To

1. The Judicial Magistrate - V,
Salem.
2. The Inspector of Police,
Kondalampatty Police Station,
Salem District.
3. The Central Jail.
Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.25801 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.25801 of 2022

20.10.2022