



Crl.O.P.No.26420 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

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Thiru @ Thiruvenkadam

... Petitioner

Vs.

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

(Crime No.538 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.538
of 2020 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Sasikumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.09.2022 for the offences punishable under Sections 4(1)(aaa), 4(1-A), 4(1)(b), 4(1)(g), 4(1)(h), of Tamil Nadu Prohibition Act r/w Section 7 of TNRS Rules, 2000 and Sections 420, 467, 468 and 471 of IPC, in Crime No.538 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.08.2020, when the respondent police and their team were on routine rounds, they found that the accused were illegally transporting brandy bottles of 12 boxes each containing 48 bottles and in a bag 24 bottles. The respondent have seized the liquor bottles and ID arrack. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the case has been registered during the year 2020 and the petitioner has been implicated in this case only based on the confession statement recorded from the arrested accused. He would also submit that the petitioner is in custody from 25.09.2022 and he is prepared to



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abide by any stringent conditions that may be imposed by this Court. He would also state that without prejudice, the petitioner is prepared to deposit Rs.25,000/- to any welfare scheme of the Government and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that when the respondent police were on routine rounds, they found that the accused has illegally transported 12 boxes of brandy each containing 48 bottles and in a bag 24 bottles and the petitioner who had accompanied the other accused by supplying raw materials to the first accused and he has been arrested on 25.09.2022. He would also submit that there are 2 previous cases of similar nature pending as against the petitioner. Hence, 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.



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6. In order to curb the illegal activities of transporting illicit arrack, this Court is of the opinion that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) as non refundable deposit to "The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem District", without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner deposits 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 has prepared to deposit Rs.25,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.



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9. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of **Rs.25,000/- (Rupees Twenty five thousand only)** by way of **Demand Draft/RTGS/NEFT** to the "**The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem District**" without prejudice to his rights and contentions 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 No.II, Attur**, 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 daily at 10.30 a.m., and 5.30 p.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[d] the petitioner shall not abscond 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 in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

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To

1. The Judicial Magistrate II, Attur.
2. The Inspector of Police,
Pew Attur Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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