



Crl.O.P.Nos.26406 & 26414 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

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

Crl.O.P.Nos.26406 & 26414 of 2022

Jegan @ Jagadeeswaran

... Petitioner in both Crl.O.P.Nos.

Vs.

The State represented by,
The Inspector of Police,
Periyathachur Police Station,
Villupuram District.

(Crime Nos.168 & 170/2022)

... Respondent in both Crl.O.P.Nos.

Prayer in Crl.O.P.No.26406 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in connection with the Crime No.168 of 2022 pending investigation on the file of the respondent Police.

Prayer in Crl.O.P.No.26414 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in connection with the Crime No.170 of 2022 pending investigation on the file of the respondent Police.

In both Crl.O.P.Nos.



Crl.O.P.Nos.26406 & 26414 of 2022

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

COMMON ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.10.2022 for the offences punishable under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.168 & 170 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution in Crl.O.P.No.26406 of 2022 is that on 25.09.2022, when the respondent police and their team were on routine rounds, they found that the petitioner along with the other accused were illegally transported 5 litres of ID Arrack. Hence, the case.

3. The case of the prosecution in Crl.O.P.No.26414 of 2022 is that on 29.09.2022, when the respondent police and their team were on routine rounds, they found that the petitioner along with the other accused were illegally transported 5 litres of ID Arrack. Hence, the case.

4. The learned counsel appearing for the petitioner would submit



Crl.O.P.Nos.26406 & 26414 of 2022

that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner was earlier arrested on 01.10.2022 in Crime No.411 of 2022 registered in Mailam Police Station, wherein, he has been granted with bail on 10.10.2022. He would further submit that subsequently, the petitioner has been arrested 10.10.2022 by way of P.T. Warrant in respect of the cases in Crime Nos.168 & 170 of 2022. He would also state that without prejudice, the petitioner is prepared to deposit Rs.25,000/- in each case to any welfare scheme of the Government and he is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on 25.09.2022, when the respondent police were on routine rounds, the petitioner along with the other accused have illegally transported 5 litres of ID Arrack and the first accused has escaped from the scene of occurrence and the arrack has been seized and a case in Crime No.168 of 2022 was registered. He would further submit that later on 29.09.2022, the petitioner along with the other accused have illegally transported 5 litres of ID Arrack, for which a case in Crime No.170 of 2022



Crl.O.P.Nos.26406 & 26414 of 2022

has been registered and the petitioner has been arrested on 10.10.2022. He would also submit that there are 17 previous cases as against the petitioner, out of which 9 are of similar in nature. Hence, he vehemently opposed to grant bail to the petitioner.

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

7. 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) in each crime number as non refundable deposit to "The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram District", without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner deposits the said amount, it would



CrI.O.P.Nos.26406 & 26414 of 2022

not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. 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/- in each crime number to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.

10. 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) in each Crime Number by way of Demand Draft/RTGS/NEFT to the "The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram 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 separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) in each crime number with two sureties**, each for a like sum to the satisfaction of the **learned**



CrI.O.P.Nos.26406 & 26414 of 2022

Judicial Magistrate No.II, Tindivanam, 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;

[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];**



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CrI.O.P.Nos.26406 & 26414 of 2022

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

01.11.2022

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To

1. The Judicial Magistrate II, Tindivanam.
2. The Inspector of Police,
Periyathachur Police Station,
Villupuram District.
3. The Sub Jail,
Gingee.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.Nos.26406 & 26414 of 2022

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Crl.O.P.Nos.26406 & 26414 of 2022

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