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Crl.O.P.No.29486 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

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

Crl.O.P.No.29486 of 2022

V.Kannadasan

... Petitioner

Vs.

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

(Crime No.172/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.172
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Iyyapparaj

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



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CrI.O.P.No.29486 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.10.2022, for the offences punishable under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.172 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.10.2022, when the respondent police and his team were on their regular patrol duty, petitioner was found to be in illegal possession of 15 liquor bottles (each containing 180 ml) and 7 litres of ID arrack. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got previous cases. He further submitted that the petitioner is in custody from 29.10.2022, hence, he prayed to grant bail to the petitioner.



Crl.O.P.No.29486 of 2022

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner was found in illegal possession of 15 liquor bottles (each containing 180 ml) and 7 litres of ID arrack. He further submitted that 7 previous cases are pending as against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that without prejudice to his defense, the petitioner is ready and willing to deposit an amount of Rs.50,000/- as non-refundable deposit to any welfare scheme of the Government or to any shelter home and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of 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.



Crl.O.P.No.29486 of 2022

7. In order to curb the illegal activities of selling illicit arrack, this Court is of the opinion that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) as a non refundable deposit to "The Medical Officer, Government Hospital, Gingee, Villupuram District", without prejudice to his rights and contentions before the trial Court.

8. 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.

9. Taking into consideration the facts and circumstances 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.25,000/- 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.50,000/- (Rupees Fifty thousand only)** by way of **Demand Draft/RTGS/NEFT** to "The Medical



Crl.O.P.No.29486 of 2022

Officer, Government Hospital, Gingee, 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 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, Gingee**, 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., 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



CrI.O.P.No.29486 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.

30.11.2022

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To

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



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Crl.O.P.No.29486 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.29486 of 2022

30.11.2022