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Crl.O.P.No.5273 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

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

Crl.O.P.No.5273 of 2023

Balaji

... Petitioner

Vs.

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

(Crime No.59 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.59 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.Prakash

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.02.2023 for the offences punishable under Sections 4(1)(A) & 4(1)(aa) of Tamil Nadu Prohibition Act, in Crime No.59 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of secret information, the respondent Police and his team went to the scene of occurrence and conducted a search, wherein, they found that the accused were in illegal possession of 75 litres of illicit arrack. Hence the case.

3. 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 some previous cases of similar nature. He further submitted that the petitioner is in custody from 07.02.2023, hence, he prayed to grant bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner (A1) along with other accused was found to be in illegal possession of 75 litres of illicit Arrack. He further submitted that the 12 previous cases are pending as against the petitioner. Therefore, he opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.25,000/- 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 Additional Public Prosecutor and perused the materials available on record.

7. In order to curb the illegal activities of selling and smuggling 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



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deposit to "The Dean/Medical Officer, Government Vellore Medical College Hospital, Adukkamparai, Vellore", 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 that the petitioner is prepared to deposit Rs.25,000/- to any welfare scheme of the Government and also considering the period of incarceration undergone by the petitioner, 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)** by way of **Demand Draft/RTGS/NEFT** to the **"The Dean/Medical Officer, Government Vellore Medical College Hospital, Adukkamparai, Vellore"** without prejudice to his rights and contentions



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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.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Thirukoilur**, 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., 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 in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;



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

07.03.2023

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To

1. The Judicial Magistrate,
Thirukoilur.
2. The Inspector of Police,
Arakandanallur Police Station,
Villupuram District.
3. The Sub Prison,
Thirukoilur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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