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Crl.O.P.No.5537 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

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

Crl.O.P.No.5537 of 2023

Chellaiyan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kitchipalayam Police Station,
Salem City.

(Crime No.39 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.39 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.C.Ganesh Pandian

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.02.2023 for the offences punishable under Sections 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.39 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent and his team were on their routine patrol duty, they found that accused was in illegal possession of 15 bottles of black pearl brandy containing ingredients of poisonous substances. 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. He further submitted that the petitioner is in custody from 14.02.2023. Hence, he prayed to grant bail to the petitioner.



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4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the accused was found to be in illegal possession of 15 bottles of black pearl brandy containing ingredients of poisonous substances. He further submitted that 5 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.20,000/- to any welfare scheme run by the Government. He further stated that the petitioner is ready to abide by any other 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. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of "The



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Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem", 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, the submissions made by either side of the parties and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.20,000/- to the credit of the "Government Mohan Kumaramangalam Medical College Hospital, Salem", 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.20,000/- (Rupees Twenty Thousand only) **by way of RTGS/NEFT to the credit of "The Dean/Medical Officer, Government Mohan Kumaramangalam Medical**



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College Hospital, Salem", 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, 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., 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



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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.

09.03.2023

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To

1. The Judicial Magistrate No.II,
Salem.
2. The Inspector of Police,
Kitchipalayam Police Station,
Salem City.
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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