

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

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

Crl.O.P.No.5768 of 2023

Pattabiraman @ Pattabi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
PEW-Sirkazhi Police Station,
Mayiladuthurai District.

(Crime No.156 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.156 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.02.2023 for the offences punishable under Sections 4(1)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.156 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 regular patrol duty, they found that the accused was in illegal possession of 140 litres of illicit pundy 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. He also submitted the petitioner is in custody from 24.02.2023, hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the accused was found to be in illegal possession 140 litres of illicit pundy arrack. He further submitted that 3

previous cases of similar nature are pending against the petitioner. Therefore, he opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that in respect of the previous case registered against the petitioner, in Crime No.70 of 2023, he has been granted anticipatory bail by this Court in Crl.O.P.No.2565 of 2023 vide order dated 07.02.2023. He further submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.25,000/- 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.25,000/- (Rupees Twenty Five Thousand only) to the credit of "Rehoboth

- Home for mentally challenged homeless women", 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.25,000/- to the credit of **"Rehoboth - Home for mentally challenged homeless women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai"**, 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 **RTGS/NEFT to the credit of "Rehoboth-Home for mentally challenged homeless women, No.22, Viswas Nagar,**

Koluthuvancherri, Paraniaputhur, Chennai, vide Account Rehoboth - Punjab National Bank, Moulivakkam Branch, A/c. No.05812010015060, IFSC Code : PUNB0058110, MICR Code : 600024081", 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, Sirkazhi**, 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]***;

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

13.03.2023

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To

1. The Judicial Magistrate,
Sirkazhi.
2. The Inspector of Police,
PEW-Sirkazhi Police Station,
Mayiladuthurai District.
3. The Sub Jail,
Sirkazhi, Mayiladuthurai District.
4. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

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