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CrI.O.P.No.7055 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

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

CrI.O.P.No.7055 of 2023

Pattabi @ Pattabiraman

... Petitioner

Vs.

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

(Crime No.70 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.70 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.G.Nirmal Krishnan

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



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ORDER

The petitioner, who was remanded to Judicial custody on 09.03.2023, for the offence punishable under Sections 4(1)(i), 4(1)(aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act, r/w Sections 4 and 5 of Tamil Nadu Rectified Spirit Rules, 2000, in connection with Crime No.70 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of the secret information, the respondent and his team conducted the search, during which they found that the accused were in illegal possession of 1750 litres of illicit pondy arrack and 805 litres of rectified spirit. The respondent police has arrested the accused and seized the liquor. 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 that earlier, the petitioner was granted anticipatory bail in connection with this crime number in Crl.O.P.No.2565 of 2023 dated 07.02.2023, meanwhile, the petitioner was arrested in yet another case in crime No.156 of 2023 registered by the same



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respondent, thereby, he was unable to surrender and execute the sureties in Crime No.70.2023 and therefore, he was produced before the learned trial Judge under PT Warrant on 09.03.2023, whereas, in due compliance with the order of this Court in Crl.O.P.No.2565 of 2023 dated 07.02.2023, the petitioner has deposited a sum of Rs.50,000/- as non-refundable deposit to the credit of the Registered Advocate Clerks Association, Mannargudi and produced the receipt for the same. He also submitted that the petitioner was also granted bail by this Court in connection with the another case in Crime No.156 of 2023 in Crl.O.P.No.5768 of 2023 dated 13.03.2023. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused was found to be in illegal possession of 1750 litres of illicit pundy arrack and 805 litres of rectified spirit. He further submitted that apart from this case, yet another case is also pending against the petitioner. He also submitted that the petitioner was earlier granted anticipatory bail by this Court and since, he did not execute the sureties, he has been remanded on PT Warrant. Hence, he opposed for grant of bail to the petitioner.



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5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit a considerable amount to any welfare scheme run by the Government. He further submitted 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 Government Advocate (Crl.Side) for the respondent and perused the entire 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 "The Dean/Medical Officer, Government District Head Quarters Hospital, Mayiladuthurai", without prejudice to his rights and contentions before the trial Court.



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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 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 "The Dean/Medical Officer, Government District Head Quarters Hospital, Mayiladuthurai", 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 "The Dean/Medical Officer, Government District Head Quarters Hospital, Mayiladuthurai"**, 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



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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. and 6.30p.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.

29.03.2023

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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