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Crl.O.P.No.9326 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

Crl.O.P.No.9326 of 2023

1. R.Kaliyaperumal @ Kattapillai

2. L.Ranganathan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Prohibition Enforcement Wing,
Mayiladuthurai Police Station.

(Crime No.301 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.301 of 2023, pending investigation on the file of the respondent
Police.

For petitioners : Mr.T.Marimuthu

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



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ORDER

The petitioners, who was arrested and remanded to judicial custody on 02.04.2023, for the offences punishable under Sections 4(1)(aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.301 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 were illegally transporting 264 litres of pondy arrack in their car. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are no way connected with the alleged offence and they are in custody from 02.04.2023, hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners were found to be in illegal



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possession of 264 litres of pondy arrack. He further submitted that one previous case of similar nature is pending as against each petitioner. Therefore, he vehemently opposed for grant of bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defense and contention, are ready and willing to make a non-refundable deposit of Rs.15,000/- each to any welfare scheme run by the Government. He further stated that the petitioners are ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

6. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. On considering the voluntary submission made by the learned counsel for the petitioners that the petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each to the credit of "Little



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"Drops-Public Charitable Trust", without prejudice to their rights and contentions before the trial Court.

8. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their 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 the learned counsel on either side and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.15,000/- each to the credit of "Little Drops-Public Charitable Trust", this Court is inclined to grant bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are ordered to be released on bail on condition to make a non-refundable deposit of **Rs.15,000/- (Rupees Fifteen Thousand only) each** directly to the credit of "**Little Drops -Public Charitable Trust, Account Number : 05811010002400, IFSC Code : PUNB0058110, Punjab National Bank, Moulivakkam, Chennai**", without



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prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Tharangambadi**, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

27.04.2023

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To

1. The District Munsif cum Judicial Magistrate,
Tharangambadi.
2. The Inspector of Police,
Prohibition Enforcement Wing,
Mayiladuthurai Police Station.
3. The Sub Jail,
Mayiladuthurai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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