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CrI.O.P.No.12406 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

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

CrI.O.P.No.12406 of 2023

Sathiyamoorthy
S/o.Subramanian

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mannargudi Town Police Station,
Thiruvavarur District.

(Crime No.254 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.254 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.Swamisubramanian

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.05.2023, for the offences punishable under Sections 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.254 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 second accused was in illegal possession of 25.600 litres of liquor. The respondent had arrested him and recorded the confession statement from him, in which, he stated that first accused is the person who had supplied those liquor bottles to him. Thereby, the respondent had registered the case in Crime No.254 of 2023 for the offences punishable under Sections 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act, against the accused. 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 the petitioner has been arrested only based on the confession statement recorded



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from the co-accused in this case and the petitioner is in custody from 04.05.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is a habitual offender against whom, 11 previous cases of similar nature are pending. He further submitted that as far as this case is concerned, the second accused was found to be in illegal possession of 25.600 litres of liquor and huge quantity of brandy bottles and the respondent had recorded the confession statement from A2 and based on which, it came to light that the petitioner/A1 had supplied the liquor bottles to A2. Therefore, he vehemently opposed for grant of 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.50,000/- 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.



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6. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent 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.50,000/- (Rupees Fifty Thousand only) to the credit of "The Dean/Medical Officer, Government Women and Children Hospital, Thiruvavarur", 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 the learned counsel on either side and also taking note of the fact that the petitioner has come forward to deposit an



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amount of Rs.50,000/- to the credit of "The Dean/Medical Officer, Government Women and Children Hospital, Thiruvarur", 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.50,000/- (Rupees Fifty Thousand only)** directly to the credit of "The Dean/Medical Officer, Government Women and Children Hospital, Thiruvarur", 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Mannargudi, Thiruvarur**, 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;



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[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.

06.06.2023

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To

1. The Judicial Magistrate No.I,
Mannargudi, Thiruvavarur District.
2. The Inspector of Police,
Mannargudi Town Police Station,
Thiruvavarur District.
3. The Sub Jail,
Mannargudi.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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