IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

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

Crl.O.P.No.12832 of 2023

Narasiman ... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Arakonam PEW Police Station,
Ranipet District.

(Crime No.316 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 Crime No.316 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.P.Sivakumar

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 24.04.2023, for the offences punishable under Sections 4(1)(aaa), 4(1-A) (ii) of Tamil Nadu Prohibition Act and Section 328 of IPC, in connection with Crime No.316 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on receipt of secret information, the respondent Police and his team went to the scene of occurrence and conducted a search, wherein, they found that the accused was in illegal possession of 110 litres of illicit 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. He further submitted that the petitioner is in no way connected with the alleged offence, whereas, he is in custody from 24.04.2023. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court 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 was found to be in illegal possession of 110 litres of illicit arrack. He further submitted that four previous cases of similar nature 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 make a non-refundable deposit of Rs.40,000/- to any welfare scheme run by the Government or any other organization. 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 Police 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.40,000/- (Rupees Forty Thousand only) to the credit of "Charu Home for Aged", without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner deposits 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 considering the period of incarceration undergone by this petitioner, 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.40,000/- (Rupees Forty Thousand only)** to the credit of **"Charu Home for Aged, Account Number : 2771201000291, IFSC Code : CNRB0002771, Canara Bank, Mahila Br., T.Nagar Chennai - 17"**, 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, Sholinghur,** 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];***

A.D.JAGADISH CHANDIRA.,J.

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

27.06.2023

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To

1. The Judicial Magistrate,
   Sholinghur.

2. The Inspector of Police,
   Arakonam PEW Police Station,
   Ranipet District.

3. The Central Prison,
   Vellore.

4. The Public Prosecutor,
   High Court of Madras.

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