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Crl.O.P.No.13998 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2023

CORAM

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

Crl.O.P.No.13998 of 2023

1. Saravanan
 2. Mariyappan
 3. Kanagaraj
- ... Petitioners

/versus/

The State represented by
The Inspector of Police,
Velur Police Station,
Namakkal District.

(Crime No.160 of 2023) ... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Criminal Procedure Code, pleased to enlarge the petitioners on bail in connection with Crime No.160 of 2023, pending on the file of the respondent Police.

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 11.06.2023, for the offence punishable under Sections 4(1)(a), 4(1)(i) & 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.160 of 2023, on the file of the respondent Police, seek 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 in illegal possession of 35 nos. of brandy bottles (each 180 ml). 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 further submitted that the petitioners are no way connected with the alleged offence, whereas, they are in custody from 11.06.2023. He also submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the



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respondent Police submitted that the petitioners were found to be in illegal possession of 35 nos. of brandy bottles (each 180 ml). He further submitted that no previous case is pending as against the petitioners. 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 defence and contention, are ready and willing to deposit an amount of Rs.20,000/- each to any welfare scheme run by the Government or any other Government organisation. Hence, he prayed for grant of bail to the petitioners.

6. Heard the learned Counsel for the petitioners 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 petitioners, the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) each to the credit



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of "The Dean/Medical Officer, District Government Head Quarters Hospital, Namakkal", without prejudice to their rights and contentions before the trial Court.

8. Merely, because the petitioners deposit 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 above 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 the petitioners, 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.20,000/- (Rupees Twenty Thousand only) each** directly to the credit of **"The Dean/Medical Officer, District Government Head Quarters Hospital, Namakkal District"**, without prejudice to their rights and contentions



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before the trial Court and on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing separate bond each 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, Paramathi, Namakkal**, 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



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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 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.

26.06.2023

To

1. The Judicial Magistrate,
Paramathi,
Namakkal.
2. The Inspector of Police,
Velur Police Station,
Namakkal District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA.,J.

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