



Crl.O.P.No.14095 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

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

Crl.O.P.No.14095 of 2023

Subbaramani @ Subramani

... Petitioner

Vs.

The State represented by
The Inspector of Police
Gingee Police Station
Villupuram
(Crime No.298 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.298 of 2023 on the file
of the respondent police.

For Petitioner : Mr.C.Prabakaran

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on **23.05.2023** for the offences punishable under **Sections 4(1)(a), 4(1-A) of TN Prohibition Act**, in Crime No.298 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.05.2023, the petitioner was found in illegal possession of 5 Liters of illicit arrack. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since he has got some previous cases against him. However, on instructions he would submit that the petitioner without prejudice to his rights and contentions, is ready and willing to deposit a substantial amount to any Government Scheme run by the Government. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating that that the petitioner has got 17 previous cases out of which, 9 cases are still pending.



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5. 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 including the FIR.

6. In order to curb the illegal activities of selling of illicit arrack and on considering the voluntary submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand Only)** to the credit of "**M/s. The Tamil Nadu Juvenile Justice Fund, Kilpauk, Chennai**" without prejudice to his rights and contentions before the trial Court.

7. 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.

8. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.



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9. Accordingly, the petitioner is directed to make a non-refundable deposit of **Rs.30,000/- (Rupees Thirty Thousand only)** by way of **RTGS/NEFT to the credit of "M/s.The Tamil Nadu Juvenile Justice Fund, Account Number : 358001000000671, IFSC Code : IOBA0001288, MICR:600020073, Indian Overseas Bank, SME Kilpauk Branch, 20, Ormes Road, Kilplauk, Chennai-600 010"**, without prejudice to his rights and contentions before the trial Court and 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, Gingee, Villupuram District** 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;



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[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 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.

23.06.2023

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To

1. The Judicial Magistrate, Gingee, Villupuram District
2. The Inspector of Police
Gingee Police Station
Villupuram District
3. The Sub Jail, Gingee
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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