



Crl.O.P.No.14185 of 2023

WEB COPY 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.14185 of 2023

Dhilip Kumar

... Petitioner

/versus/

The State represented by
The Inspector of Police,
Jolarpet Police Station,
Tirupattur.

(Crime No.186 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Criminal Procedure Code, pleaded to enlarge the petitioner on bail in connection with Crime No.186 of 2023, pending on the file of the respondent Police.

For Petitioner : Mr.Periaswamy. I

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 28.05.2023, for the offence punishable under Sections 4(1)(aa), 4(1)(i) & 4(1-A)(ii) of Tamil Nadu Prohibition Act and Section 328 of IPC, in Crime No.186 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 in illegal possession of 55 litres of ID arrack and 30 nos. of rum bottles (each 90 ml). 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 no way connected with the alleged offence, whereas, he is in custody from 28.05.2023. He also submitted that the petitioner are ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the petitioner was found to be in illegal possession of 55 litres of ID arrack and 30 nos. of rum bottles (each 90 ml). He further submitted that two previous cases are pending as against the petitioner. 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 defence and contention, is ready and willing to deposit an amount of Rs.40,000/- each to any welfare scheme run by the Government or any other Government organisation. Hence, he prayed 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



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learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) each to the credit of "The Dean/Medical Officer, District Government Hospital, Thirupathur", without prejudice to their rights and contentions before the trial Court.

8. Merely, because the petitioner deposit 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 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 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)** directly to the credit of **"The Dean/Medical Officer, District Government Hospital, Thirupathur"**, without



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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 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 No.I, Tirupattur**, 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



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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.

26.06.2023

To

1. The Judicial Magistrate No.I,
Tirupattur.
2. The Inspector of Police,
Jolarpet Police Station,
Tirupattur District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA.,J.

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