



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM:

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

Crl.O.P.No.15852 of 2023

Ramesh

.. Petitioner

Vs.

The State Represented by
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
(Crime No.300 of 2023)

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C
praying to enlarge the petitioner on bail in Crime No.300 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.A.Gowtham

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.05.2023, for the offences punishable under Sections 4(1-A), 4(1) (a) of Tamil Nadu Prohibition Act in Crime No.300 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 was in illegal possession of 20 litres of illicit arrack. Hence, the case.

3. Learned counsel for the petitioner would submit that this is the second application for bail filed by the petitioner before this Court and this Court had dismissed the earlier bail application in Crl.O.P.No.12987 of 2023 vide order dated 12.06.2023 stating that the petitioner has got 13 previous cases against him. He would further submit that the petitioner is in custody for the past 61 days. He would further submit that the petitioner is



ready to abide by any stringent condition that may be imposed by this Court.

Therefore, he prayed for grant of bail to the petitioner.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that this is the second application for bail and the petitioner was found to be in illegal possession of 20 litres of illicit arrack and he has got 13 previous cases, out of which, 1 has been disposed and 12 are pending investigation.

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.25,000/- to any welfare scheme run by the Government. 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) and also perused the materials available on record.



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7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of "The Dean/ Medical Officer, Government Medical College Hospital, Kallakurichi", 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, the period of incarceration and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- to the credit of "Government Medical College Hospital Kallakurichi, Dean", 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.25,000/- (Rupees Twenty Five Thousand only)** by way of **RTGS/NEFT in favour of "The Dean/ Medical Officer, Government Medical College Hospital, Kallakurichi"**, 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, Sankarapuram**, 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 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]*;

19.07.2023

AT



To

1.The Judicial Magistrate, Sankarapuram.

2.The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.

3.The Superintendent of Prison,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court, Madras.

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A.D. JAGADISH CHANDIRA,J.

AT

Crl.O.P.No.15852 of 2023

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