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Crl.O.P.No.21947 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.21947 of 2023

Pazhani

...Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Arni Taluk Police Station,
Thiruvannamalai District.
Crime No.750 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioners on bail in Connection with Crime No.750 of 2023 (on the file of Respondent Police).

For petitioner : Mr.S.Thirugnanam

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.09.2023 for the offence punishable under Sections 4(1)(a) r/w 4(1-



Crl.O.P.No.21947 of 2023

A) ii of Tamil Nadu Prohibition Act in Crime No.750 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that petitioner is innocent and he is falsely implicated in this case, in Crime No.750 of 2023 for the offence under Sections 4(1)(a) r/w 4(1-A) ii of Tamil Nadu Prohibition Act. The petitioner is in judicial custody from 06.09.2023. Thus, he seeks bail.

3. In response, learned Additional Public Prosecutor submitted that the *de-facto* complainant on the basis of the secret information received mounted surveillance near Arani – Vellore Somanthangal Bus Stop on 06.09.2023. At about 04.30 a.m, they found the accused in suspicious circumstances with a white colour plastic bag. On apprehending him and search, they found the following liquor bottles Viz., Karnataka liquor Double Kick Fine Whisky – 6 Nos. (each containing 750 ml), Karnataka liquor Double Kick Fine Whisky – 48 Nos. (each containing 180 ml), Bangalore Rum – 48 Nos. (each containing 180 ml) and Bangalore Gin – 4 Nos. (each containing 180 ml). The liquor bottles have been seized. He further submitted that this



Crl.O.P.No.21947 of 2023

is the first case registered against the petitioner under Prohibition Act.

Hence, he opposed for grant of bail to the petitioner.

4. Considering the fact that this is the first case registered against the petitioner under Prohibition Act and that the liquor bottles have been seized and the petitioner is in judicial custody from 06.09.2023, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate at Arni, Thiruvannamalai 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 without prejudice to his defence shall deposit a non-refundable sum of **Rs.10,000/-**, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF)



Crl.O.P.No.21947 of 2023

Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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



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Crl.O.P.No.21947 of 2023

in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

25.09.2023

mpl

To

1. The Judicial Magistrate at Arni
Thiruvannamalai.
2. The Inspector of Police,
Arni Taluk Police Station,
Thiruvannamalai District.
3. Central Prison
Vellore.
4. The Public Prosecutor,
High court of Madras.



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Crl.O.P.No.21947 of 2023

G.CHANDRASEKHARAN, J.

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Crl.O.P.No.21947 of 2023

25.09.2023