



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2023

PRESENT

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

CRL.O.P (MD) No.2451 of 2023

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Selvam

... Petitioner/Sole Accused

-vs-

State represented by
The Inspector of Police,
PEW Pattukottai,
Thanjavur District.
(in Cr.No.165 of 2023)

... Respondent/Complainant

For Petitioner	: Mr.B.Anandan, Advocate
For Respondent	: Mr.T.Senthil Kumar Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.165 of 2023 on the file of the Respondent Police.

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 25.01.2023 for the offences punishable under Sections 4 (1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.165 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 25.01.2023, the respondent Police were patrolling on illicit-alcohol offence and at that time, on seeing the police, the petitioner attempted to escape from the scene of occurrence and the respondent police has secured the petitioner and on search, the petitioner was found in illegal possession of 23 nos. of 180 ml liquors and on the same day, the respondent police has arrested the petitioner and remanded to custody. Hence, the complaint.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that the petitioner has not committed any offence, as alleged by the prosecution. He would also submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. He would pray for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in illegal possession of 23 nos. of 180 ml liquors and he has got 27 previous



cases of similar nature hence, he would strongly oppose it bail to the petitioner.

5. In reply, the learned Counsel for the petitioner would submit that the petitioner is in custody from 25.01.2023 and the major part of the investigation is over and further, without prejudice to his rights and contentions, the petitioner is ready to make a donation of Rs.25,000/- to any welfare scheme of Government, more particularly, to the Honourable Prime Minister's Relief Fund for sending reliefs to the victims of the earth quake in Syria and Turkey.

6. Heard. Perused the materials available on record.

7. Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 25.01.2023 and also the fact that the petitioner is volunteer to deposit a sum of Rs.25,000/- this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner shall deposit a sum of Rs.25,000/- without prejudice to his rights and contentions to the credit of Prime Minister Relief Fund and on production of proof for payment, the petitioner is ordered to be released on bail on condition to execute 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, Pattukottai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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** [SCW 5560]; [R

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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8. Merely, because the petitioner has deposited the amount, as stated above, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

sd/-

07/02/2023

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07/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cmr

To

- 1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, PEW, PATTUKKOTTAI,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

- 1 THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.
- 2 THE OFFICER INCHARGE, PRIME MINISTER NATIONAL RELIEF FUND (PMNRF),
PRIME MINISTER'S OFFICE, SOUTH BLOCK, NEW DELHI- 110011.

+1 CC to M/s.B.ANANDAN, Advocate (SR-1940[I] dated 07/02/2023)

ORDER

IN

CRL OP(MD) No.2451 of 2023

Date : 07/02/2023

RS/VR/SAR. (07.02.2023) 3P-9C