



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5439 of 2020

1. Dhanapal
2. Sekar @ Veera Sekar ... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Pattukkottai Prohibition Enforcement Wing,
Thanjavur District.
(Crime No.245 of 2020) ... Respondent/Complainant

For Petitioner : M/s.B.Anandan,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.245 of 2020 on the respondent police.

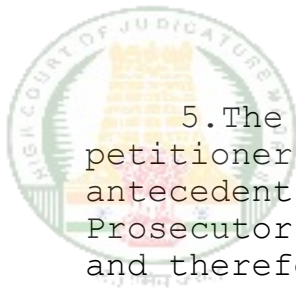
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioners are arrayed as accused Nos.1 & 2. They were arrested and remanded to Judicial Custody on 19.03.2020 for the offences punishable under sections 4(1)(aaa), 4(1)(g), 4(1)(i), 4(1-A) of the Tamil Nadu Prohibition Act, in Crime No.245 of 2020 on the file of the respondent police. They seek bail.

3.The petitioners herein were arrested for having possession of 90 liters of ID arrack and 1400 liter of fermented wash and a sum of Rs.1,500/-, which being sale proceeds of ID arrack.

4.According to the prosecution, the petitioners have committed the offence under sections 4(1)(aaa), 4(1)(g), 4(1)(i), 4(1-A) of the Tamil Nadu Prohibition Act.



5.The learned counsel for the petitioners would submit that the petitioners are in prison since 19.03.2020 and there is no bad antecedents about them whereas the learned Additional Public Prosecutor would submit that one of the accused is still absconding and therefore, investigation could not yet completed.

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6.Taking note of the rival submissions, I am inclined to enlarge the petitioners on bail with certain conditions. Accordingly the petitioners are ordered to be released on bail on executing bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only)each and the petitioners shall furnish with two sureties for likesum to the satisfaction of the Judicial Magistrate, Pattukkottai, Thanjavur District and on further condition that,

i)the petitioners shall report before the respondent police as and when required.

ii)the petitioner shall not tamper with evidence or witness.

iii) the petitioner shall not abscond during trial.

iv)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].

v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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

TO

1. THE JUDICIAL MAGISTRATE, PATTUKKOTTAI, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
PATTUKKOTTAI PROHIBITION ENFORCEMENT WING, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.5439 of 2020

Date :26/05/2020