



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/06/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5542 of 2020

Santhosh Kumar

... Petitioner/Sole Accused

Vs

The State Rep. by
Inspector of Police,
Soolakarai Police Station,
Virudhunagar District
In Crime No. 109/2020.

... Respondent/Complainant

For Petitioner : M/s. M. Jothibasu,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 109/2020 on the respondent police

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ accused seeking bail for the alleged offence punishable under Sections 4(1)(g), 4(1)(b), 4(1)(aa)r/w.4(1-A) of TNP Act.

2. The petitioner herein was arrested on 29.04.2020. The case of the prosecution is that the petitioner was found in possession of 60 litres of arrack.

3. The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner and he has not committed any offence as alleged by the prosecution.



4. Taking note of the fact that there is no previous case pending against the petitioner and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 No.II, Virudhunagar;

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court 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 as and when required for interrogation.

[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/06/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE No.II,
VIRUDHUNAGAR.
 2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 4. THE INSPECTOR OF POLICE,
SOOLAKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- + 1 CC TO M/s.G.M.LAW OFFICE, IN SR No. 5720

ORDER
IN
CRL OP(MD) No.5542 of 2020
Date :01/06/2020

AAV
TE/VR/SAR-III : 01/06/2020 : 3P/7C