



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.783 of 2021

Muthuraman ... Petitioner/Accused (Sole)

Vs

State Rep. by
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
(Crime No.1860 of 2020) ... Respondent/Complainant

For Petitioner : Mr.Samuelgunasingh.P.,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.1860 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to
judicial custody on 23.12.2020 for the offences punishable under
Section 4(1)(aa) and 4(1-A) of the Tamil Nadu Prohibition Act in
Crime No.1860 of 2020 on the file of the respondent police, seeks
bail.

2.The case of the prosecution is that the petitioner is said to
have found in illegal possession of 55 liters of arrack in a plastic
bag and got caught red handedly. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is an innocent person and he has not committed any
offence as alleged by the prosecution and he has been falsely
implicated in this case. Hence, he prayed for anticipatory bail to
the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the
respondent police would submit that on 23.12.2020, when the defacto



complainant was in routine checkup, the petitioner was found in illegal possession of 55 liters of arrack. Hence, a case was registered and the petitioner was arrested. He would further submit that the petitioner is having two previous cases and hence, he opposed to grant bail to the petitioner.

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5.It is seen that the petitioner was caught red handed and remanded to judicial custody on 23.12.2020 for the illegal possession of 55 liters of arrack.

6.Taking note of the above facts and circumstances of the case also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7.Accordingly, the petitioner shall draw a demand draft in favour of Dean, Thanjavur Government Medical College Hospital, Thanjavur for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance/submission of Demand Draft to Dean while executing sureties.

7.On acknowledgment of the same by the Dean, Thanjavur Government Medical College Hospital, Thanjavur, 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 No.I, Kumbakonam, Thanjavur.

i)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

ii)the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation.

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

iv)the petitioner shall not abscond during trial.

v)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].



vi) If the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/01/2021

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

COPY TO:
THE DEAN,
THANJAVUR GOVERNMENT MEDICAL COLLEGE HOSPITAL,
THANJAVUR.

ORDER
IN
CRL OP(MD) No.783 of 2021
Date : 21/01/2021

GNS
JM/PN/SAR III/21.01.2021/3P/7C