



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

Date : 16/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5128 of 2021

1. Prabakaran
2. Ananadan

... Petitioners/Accused No.1 & 2

Vs

State Rep. by
The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
Crime No.93 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Deenadhayalan.S,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

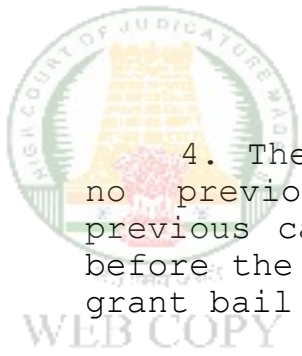
PRAYER :- For Bail in Crime No.93 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 , who were arrested on 25.03.2021 for the offences under Sections 4(1)(a), 4(1-A) and 4(1)(i) of TNP Act in Cr.No.93 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 27 numbers of 180ml of liquor bottle. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and they were arrested on 25.03.2021 and still in judicial custody, hence he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that no previous case is pending against the second petitioner and one previous case of similar nature is pending against the petitioner before the same respondent police, hence he strongly objected to the grant bail to the first petitioner.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai and on further condition 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 petitioners shall appear before the respondent police daily at 10.30am., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229-A IPC.

sd/-
16/04/2021

/ TRUE COPY /

/ /2021
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



TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM, THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-3147[I] dated 16/04/2021
)

ORDER

IN

CRL OP(MD) No.5128 of 2021

Date :16/04/2021

AAV

JM/PN/SAR I/16.04.2021/3P/7C