



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

Date : **29/04/2021**

PRESENT

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD) . No.6149 of 2021

Abrakam @ Packraiyan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
PEW Nagercoil Police Station,
Kanyakumari District.
(Crime No.339 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Suri,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :- for Bail in Crime No.339 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused no.1, who was arrested on 03.04.2021 for the offence punishable under Sections 4(1-A), 4(1)(a), 4(1)(g) of Tamil Nadu Prohibition Act in Crime No.339 of 2021 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side).

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is in judicial custody from 03.04.2021, hence he may be granted bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has one previous case similar in nature.



5.It is seen from the submissions made that on 03.4.2021, the petitioner was found with 5 litres of illicit arrack and he was arrested. Hence, the complaint.

6.Taking into consideration the facts and circumstances of the case and the period of incarceration, this Court is inclined to grant bail to the petitioner.

7.Accordingly, 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 District Munsif cum Judicial Magistrate, Boothapandi, Kanyakumari District, and on further conditions 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 cards or Bank pass Book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[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/-
29/04/2021

/ 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
BOOTHAPANDI, KANYAKUMARI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, NAGERCOIL.
4. THE INSPECTOR OF POLICE,
PEW NAGERCOIL POLICE STATION,
KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6149 of 2021

Date :29/04/2021

SM

MS/VR/SAR-4/29.04.2021/3P.6C