



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

Date : 04/06/2021

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD)No.7229 of 2021

Thangarasu

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Thiruverambur PEW Police Station,
Trichy District,
Crime No.437/2021.

... Respondent/Complainant

For Petitioner : Mr.Srinivasan.R.,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.437 of 2021 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 22.05.2021 for the offences punishable under Sections 4 (i)(g) r/w 4(1-A) of the Tamil Nadu Prohibition Act in crime No.437 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 50 liters of molasses to prepare arrack. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that there is no previous case against the petitioner and he is in judicial custody from 22.05.2021, hence he may be granted bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that the petitioner was found in possession of illicit arrack containing 50 liters. He would further submit that there is no previous case pending against the petitioner.



5.Considering the facts and circumstances of the case and also the fact that there is no previous case pending against the petitioner also the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.1,00,000/- (Rupees One lakh only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Trichy.

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 is directed to deposit a sum of Rs.5,000/- **(Rupees Five Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9** (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

iii)the petitioner shall report before the respondent police as and when required for interrogation.

iv)the petitioner shall not tamper with evidence or witness.
v)the petitioner shall not abscond during trial.

vi)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].

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

sd/-
04/06/2021

/ 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 concerned.

TO

- 1 THE JUDICIAL MAGISTRATE VI,
TRICHY.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE OFFICER INCHARGE,
MUSIRI SUB JAIL, TRICHY DISTRICT.
- 4 THE INSPECTOR OF POLICE,
THIRUVERAMBUR PEW POLICE STATION,
TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.7229 of 2021
Date :04/06/2021

gns
JM/VR/SAR I/04.06.2021/3P/7C