



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

Date : 09/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7494 of 2021

1. Muthusamy
2. Mandirammoorthy ... Petitioners/Accused Nos.2 & 3

Vs

State rep.by
The Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.
Crime No. 65/2021. ... Respondent/Complainant

For Petitioners : Mr.D.Rajaboopathy
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. 65 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who were arrested and remanded to judicial custody on 01.06.2021 for the offences punishable under Sections 4(1)(g), 4(1)(aaa) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.65 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 31.05.2021, the petitioners were found in illegal possession of 200 litres of fermented wash. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 01.06.2021 and they will abide by any condition and hence, he would pray for granting bail to the petitioners.



4.The learned Government Advocate(Crl.Side) appearing for the respondent police opposed this petition on the ground that the first petitioner is having two previous cases and the second petitioner is having 11 previous cases, which are similar in nature and the investigation in this case is not completed.

WEB COPY

5.Taking into consideration the facts and circumstances of the case and the fact that the material witnesses are the police officials and also considering 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 executing their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jail Authority. The petitioners after their 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.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam. On such execution of bond before the concerned Magistrate, the own bond executed before the Jail Authority shall stand cancelled automatically.

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 petitioners are directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Rajapalayam.

iii)the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

iv)the petitioners shall not tamper with evidence or witness.

v)the petitioners 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 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]**.



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

sd/-
09/06/2021

/ TRUE COPY /

WEB 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,
RAJAPALAYAM.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE OFFICER INCHARGE,
SUB JAIL, SRIVILLIPUTHUR.
4. THE INSPECTOR OF POLICE,
SEITHUR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

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

+1. CC to Mr.D.RAJABOOPATHY, Advocate SR.No.3890

ORDER
IN
CRL OP(MD) No.7494 of 2021
Date : 09/06/2021

SJI
AE/PN/SAR-II/09.06.2021/3P/8C