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

Date : 14/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7709 of 2021

Kathirvel ... Petitioner/Accused

Vs

State Rep. by
The Inspector of Police,
Prohibition and Enforcement Wing,
Thuraiyur, Tiruchirapalli District
Crime No.489/2021.

... Respondent

For Petitioner : Mr.Vetrivel.B,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :- For bail in Crime No. 489 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who was arrested on 27.05.2021 for the offences punishable under Sections 4(1)(g), 4(1-A) of the Tamil Nadu Prohibition Act r/w Section 269 IPC in Crime No.489 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.05.2021, when the police party conducted raid they found the accused in this case were preparing distil liquor in Melavelikaru, Kaduvetti, Thottiyam Taluk and they were in possession of 130 liters of wash. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner has no previous case and he is in judicial custody from 27.05.2021 and hence, he seeks bail to the petitioner.



4.The learned Additional Public Prosector appearing for the respondent police opposed this petition on the ground that the investigation in this case is not completed. However, he would concede that there is no previous case pending against the petitioner.

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5.Considering the facts and circumstances of the case and the fact that the witnesses in this case are almost official witnesses and material part of the investigation is over and the fact that the petitioner is in custody from 27.05.2021, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Musiri. 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 petitioner shall make a non-refundable deposit for a sum of Rs.20,000/- (**Rupees Twenty 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 and produce the receipt/acknowledgment before the learned Judicial Magistrate, Musiri.

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

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/-

14/06/2021

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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,
MUSIRI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
PROHIBITION AND ENFORCEMENT WING,
THURAIYUR, TIRUCHIRAPALLI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
- 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.7709 of 2021

Date :14/06/2021

GNS

JM/VR/SAR I/14.06.2021/3P/7C