



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7690 of 2021

Mohan

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
Crime No. 215 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.215 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 03.06.2021 for the offences punishable under Sections 4(1)(a), 4(1)(b), 4(1)(g), 4(1-A) of the Tamil Nadu Prohibition Act and Section 269 IPC in Crime No.215 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.06.2021, when the Police party had conducted raid, they found the petitioner with two liters of illicit liquor and 20 liters wash and other raw materials to prepare arrack, at Ammankudi Village. 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 antecedents and he is in judicial custody from 03.06.2021 and hence, he seeks bail to the petitioner.



4.The learned Additional Public Prosecutor 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 the petitioner has no previous case pending against him.

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5.Considering the facts and circumstances of the case and the fact that the witnesses in this case are Official witnesses and material part of the investigation is over in this case and also the fact that the petitioner is in judicial custody from 03.06.2021, 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.10,000/- **(Rupees Ten 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.R. Saji 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 OFFICER INCHARGE,
SUB JAIL, KULITHALAI.
4. THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
TRICHY 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.

ORDER
IN
CRL OP(MD) No.7690 of 2021
Date :14/06/2021

GNS
SRS/JC/SAR-I/14.06.2021/3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>