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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7717 of 2021

Arivazhagan

... Petitioner/Sole Accused

Vs

State rep by its
The Inspector of Police,
Lalgudi Police Station,
Trichy District
Crime No. 482/2021.

... Respondent/Complainant

For Petitioner : Mr. Anandakumar N,
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. 482 of 2021 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 31.05.2021 for the offences punishable under Sections 4(1)(a)r/w.4(1-A) of TNP Act in Crime No.482 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.05.2021 when the respondent police were engaged in prevention of prohibition offence at about 10.00 a.m., near Senkarai they found the accused having while colour plastic can with a capacity of 5 litres, containing arrack and on search it was found that the can contained 4 litres of ID 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 the petitioner is in judicial custody from 31.05.2021, hence he seek bail.

4. The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that the investigation is not yet completed. He would further submit that three previous cases are pending against him, out of which one case is pending under the prohibition act.

5. On perusal of the previous cases registered against petitioner herein it is seen that two cases are registered under Section 109 of Cr.P.C in Crime Nos.54 of 2016 and 176 of 2011 and another case has been registered in Crime No. 648 of 2017 under Sections 294(b), 353,506(i) of IPC and Section 4(1-A) of TNP Act.

6. Taking into consideration all these facts and also considering the period of incarceration and also the fact that the material witnesses are only official witnesses 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 Judicial Magistrate, Lalgudi, Trichy and on further condition that

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), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

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.

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Sd/-
22/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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, LALGUDI, TRICHY.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
LALGUDI 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,
SECRETARIAT,
CHENNAI-9.

ORDER
IN
CRL OP (MD) No.7717 of 2021
Date : 22/06/2021