



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

Date : 16/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7856 of 2021

1. Karpagaselvam
2. Ramu

... Petitioners/Accused 1 & 2

Vs

State Rep. by
The Inspector of Police,
Erwadi Dharga Police Station,
Ramanathapuram District.
(Crime No.171 / 2021).

... Respondent/Complainant

For Petitioners : Mr.Balamurugapandi.D.,
Advocate.

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

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

PRAYER :- Bail in Crime No.171 of 2021 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who was arrested on 07.06.2021 for
the offences punishable under Section 4(1-A) of TNP Act in Crime
No.171 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 07.06.2021 when the
police party were engaged in preventing of prohibitory offence at
about 6.45 a.m., in the north of side of Adancherri village near
palm tree grove, on seeing the police, five persons who are the
accused in this case tried to escape from there, but the police
party apprehended Karapagaselvam and Ramu and found from them that
Murugan, Sudharsan and Sathyaraj had escaped. On search in 5
plastic drums with a capacity of 200 litres, they found 1000 litres
of Toddy. 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
possession of the drums from 07.06.2021, hence he seeks 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 no previous case of similar nature is pending against the first petitioner and five previous cases of similar nature is pending against the second petitioner/third accused.

5. As regards the second petitioner, taking into consideration the fact that five previous case of similar nature is pending against the second petitioner, this Court is not inclined to grant bail to the second petitioner. Hence the petition stands dismissed as against the second petitioner/third accused.

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 and also the fact that no previous case is pending against the first petitioner, this Court is inclined to grant bail to the first petitioner.

7. Accordingly, the first 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 No.II, Ramanathapuram, Ramanathapuram District 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.

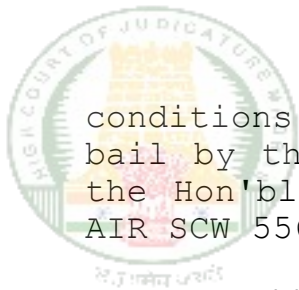
(ii)the first petitioner is directed to deposit a sum of Rs.10,000/- (**Rupees Ten Thousand only**) **to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

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

iv)the first petitioner shall not tamper with evidence or witness.

v)the first 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 first petitioner in accordance with law as if the



conditions have been imposed and the first 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/-

16/06/2021

/ 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 NO.II,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ERWADI DHARGA POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
- 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.7856 of 2021

Date : 16/06/2021

AAV

JM/VR/SAR III/16.06.2021/3P/7C

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