



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.7865 of 2021

1. Kumar
2. Sakthivel ... Petitioners/Accused 1 & 2

Vs

State Rep. by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District,
Crime No.371/2021. ... Respondent/Complainant

For Petitioners : Mr.Anandan.B.,
Advocate.

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

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

PRAYER :- For Bail in Crime NO. 371/2021 on the file of the
respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested on 05.06.2021 for the offences punishable under Sections 4(1)(aaa), 4(1)(i) and 4(1-A) of TNP Act in Crime No.371 of 2021 on the file of the respondent police, seeks bail.

The case of the prosecution is that on 05.06.2021 when the respondent police were engaged in prevention of offences relating to illicit arrack near Mannikkaraiyur Bridge at Kollidam riverbed three persons in two wheeler on seeing the police they tried to escape from the place using two wheeler bearing Reg. No. TN 68 W 8545. The police party apprehended them and on enquiry they found the accused Kumar, Sakthivel and the person who escaped is Jeyakumar. On enquiry the accused persons produced 2 mud pot containing 55 litres Pondicherry arrack in each pot. Totally 110 litres of Pondicherry arrack. ATM card and Rs.1,10,000/- was seized from the accused persons for the reason that the amount was deposited in the name of the accused persons for selling the arrack. 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 05.06.2021, hence he seek bail.

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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 one previous case is pending against the first petitioner and no previous case is pending against the second petitioner.

5. 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 the illicit arrack and Rs.1,10,000/- has been seized from the accused persons, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing 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, Papanasam 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 petitioners are directed to deposit a sum of Rs.10,000/- (**Rupees Ten 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), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

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/-
16/06/2021

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/ /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, PAPANASAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM.
- 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.7865 of 2021
Date :16/06/2021

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