



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

Date : 18/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7980 of 2021

1.Balaji
2.Natarajan
3.Kumaravel

... Petitioners/Accused
No.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.
Crime No.248 of 2021

... Respondent/Complainant

For Petitioners : Mr.K.Arunraj,
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.248 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested on 09.06.2021 for the offences punishable under Sections 4(1)(i) r/w 4(1-A) of the Tamil Nadu Prohibition Act in Crime No.248 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners and other accused were found in illegal possession of 5 bottles of liquor. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.



4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that investigation is not completed. However, he conceded that there is no previous case pending against the petitioners.

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5.Taking into consideration the facts and circumstances of the case and the fact that material witnesses are official witnesses and also the fact that the petitioners are in judicial custody from 09.06.2021, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on his 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, Musiri and on further condition that:

[a]the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

[e]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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/06/2021

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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.

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TO

- 1.THE JUDICIAL MAGISTRATE, MUSIRI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
MUSIRI, TRICHY DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7980 of 2021
Date :18/06/2021

GNS
TK/PN/SAR.1/18.06.2021/3P/6C