



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.7986 of 2021

Arumugam

... Petitioner/sole Accused

Vs

The State rep.by,
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
Crime No.236/2021

... Respondent/Complainant

For Petitioner : Mr.M.Karunanithi,
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.236 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 22.05.2021 for the offences punishable under Sections 4(1)(aaa) r/w 4(1-A) of the Tamilnadu Prohibition Act in Crime No.236 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.05.2021, the petitioner was found in illegal possession of 110 liters of Pandicherry arrack. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has 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 pending. However, he conceded that there is no previous case against the petitioner.



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 petitioner is in judicial custody from 22.05.2021, this Court is inclined to grant bail to the petitioner.

6. 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, Thiruvidadaimaruthur, Thanjavur District and on further condition that:

[a] 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 petitioner is directed to deposit a sum of Rs.25,000/- **(Rupees Twenty 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), 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, Thiruvidadaimaruthur, Thanjavur District.**

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

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

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

sd/-
18/06/2021

/ 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,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PANDHANALLUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHIRAPPALLI.
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.7986 of 2021
Date :18/06/2021

gns
TK/PN/SAR.1/18.06.2021/3P/7C