



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

Date : 21/06/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.8061 of 2021

Dharmaraj ... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Annavaasal Police Station,
Pudukkottai District.
Crime No.552 of 2021. ... Respondent/Complainant

For Petitioner : Mr.P.Ganapathi Subramanian,
Advocate.

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

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

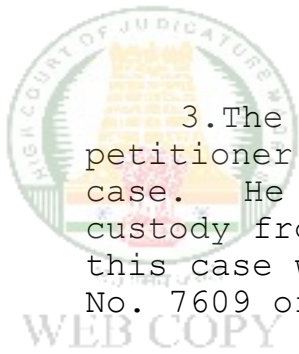
PRAYER :-

For Bail in Crime No.552 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 12.06.2021 for the offences punishable under Sections 4(i)(g) r/w.4(1-A) of TNP Act and Section 270 of IPC and Section 51(b) of the Disaster Management Act, 2005 in Crime No.552 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police were engaged in prevention of prohibition offence, on 12.06.2021 at about 09.30 hrs near Vathiripatti Nallammal field they found the petitioner in preparation of arrack. On seeing the police he tried to escape and on search they found the petitioner in possession of 200 litres of fermented wash. 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 12.06.2021. He would further submit that co-accused in this case was granted anticipatory bail by this Court in Crl.O.P(MD) No. 7609 of 2021 on 10.06.2021, 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 no previous case of similar nature is pending against the 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 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 District Munsif cum Judicial Magistrate, Illuppur 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.**30,000/- (Rupees Thirty 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.

sd/-
21/06/2021

WEB COPY

/ 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ILLUPUR.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE OFFICER INCHARGE,
SUB JAIL, THIRUMAYAM.
4. THE INSPECTOR OF POLICE,
ANNAVASAL POLICE STATION,
PUDUKKOTTAI DISTRICT.
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.8061 of 2021
Date :21/06/2021

AAV
SRS/VR/SAR-II/21.06.2021/3P/7C