



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8617 of 2021

1. Jayabal
2. Seyyathu Oli

... Petitioners/2nd & 3rd Accused

Vs

The State Rep. by
The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
Crime No. 530/2021.

... Respondent/Complainant

For Petitioners : Mr.Pethu Rajesh.P.,
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. 530/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who were arrested on 12.06.2021 for the offences punishable under Sections 4(1)(aaa) and 4(1-A) of TNP Act in Crime No.530 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 12.06.2021 the respondent police stopped the vehicle and conducted search in a Mahindra pick up vehicle bearing Reg. No. TN 99 8165, found 144 bottles of super select brandy each containing 180 ml and 30 litres of Pondicherry arrack , therefore this case came to be registered.



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 12.06.2021, 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 is pending against the petitioners.

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 that no previous case is pending against the petitioners, 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, Thiruvudaimaruthur, Thanjavur 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) petitioners are directed to deposit a sum of Rs.10,000/- (**Rupees Ten Thousand only**) each to the Advocate Clerk Association, Madurai District Court, KK Nagar, Madurai South, Madurai (Indian Overseas Bank Saving Account No.186701000001902, IFSC Code: IOBA0001867), 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/-

01/07/2021

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/ /2021

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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,
THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
DISTRICT PRISON,
PUDUKKOTTAI.

COPY TO:-

THE OFFICER INCHARGE,
ADVOCATE CLERK ASSOCIATION,
MADURAI DISTRICT COURT,
KK NAGAR, MADURAI SOUTH,
MADURAI.

+1 CC to Mr.P.PETHU RAJESH, Advocate (SR-4292[I] dated 01/07/2021)

ORDER IN

CRL OP(MD) No.8617 of 2021

Date :01/07/2021