



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8731 of 2021

Senthilkumar

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
Crime No.518/2021.

... Respondent/Complainant

For Petitioner : Mr.Anandan.B, 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. 518 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 22.06.2021 for the offences punishable under Sections 4(1)(aa), 4(1)(i) and 4(1-A)) of TNP Act in Crime No.518 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.06.2021 on prior information when the respondent police were engaged in prevention of prohibition offence near Elangarkudi Kaviri river they found a person in a suspicious manner. On seeing the police he tried to escape. The police party apprehended them and on search they found the petitioner in possession of 10 litres of Pondicherry arrack and 64 Nos of Express Brandy bottle, therefore the case came to be registered.

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 22.06.2021, 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 and also the fact that no previous case of similar nature is pending against the petitioner, 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, 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 petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Coimbatore Advocate Clerk Welfare Association, District Court Branch, Coimbatore (SB Account No.170801000018467, IFSC Code: IOBA0001708), 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/-

02/07/2021

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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,
PAPANASAM, THANJAVUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
KABISTHALAM 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,
COIMBATORE ADVOCATE CLERK WELFARE ASSOCIATION,
DISTRICT COURT BRANCH, COIMBATORE.

ORDER IN
CRL OP(MD) No.8731 of 2021
Date :02/07/2021

AAV
TE/PN/SAR-I : 02/07/2021 : 3P/7C