



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.10135 of 2021

Arivazhagan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Thanjavur TMCH Police Station,
Thanjavur District.
(Crime No.776 of 2021).

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side).

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

PRAYER :-For Bail in Crime No.776 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 15.06.2021 for the offences punishable under Sections 4(1)(g),4(1)(aaa)r/w.4(1-A) of TNP Act in Crime No.776 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 15.06.2021 at about 15.00hrs near Ayyan Tiruvalluvar Nagar they saw the accused. On seeing the police he tried to escape and on search they found the petitioner in possession of 80 litres of fermented wash and 110 litres of illicit arrack. 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 15.06.2021, 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 Judicial Magistrate No.II, Thanjavur 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 Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), 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/-

30/07/2021

/ 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 NO.II,
THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.
- 4 THE INSPECTOR OF POLICE,
THANJAVUR TMCH POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADRAS HIGH COURT MADURAI BENCH, MADURAI-625 023.

ORDER
IN
CRL OP(MD) No.10135 of 2021
Date :30/07/2021

AAV
MK/JC/SAR.I/30.07.2021/3P/7C