



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11199 of 2021

Kumar

... Petitioner/Sole Accused

Vs

The state rep.by
The Inspector of Police,
Town West Police Station,
Thanjavur.
Crime No.1403 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.KARNAN,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.1403 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused herein who was arrested on 13.07.2021 for the alleged offences under Sections 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act in Crime No.1403 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.07.2021, the petitioner was found in possession of 21 numbers of TASMAL 180 ml brandy liquor bottles.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him. He would further submit that the petitioner is in jail from 13.07.2021 and, hence he seeks bail.



4. The learned Government Advocate (Crl. Side) would submit that the petitioner was also involved in one previous case of similar in nature.

5. Considering the facts and circumstances of the case and the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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.I, Thanjavur and on further conditions 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 shall report before the respondent police daily at 10.30 a.m. until further orders.

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

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

[e] 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]**.

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

sd/-
11/08/2021

/ 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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1. THE JUDICIAL MAGISTRATE NO. I
THANJAVUR

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4. THE INSPECTOR OF POLICE
TOWN WEST POLICE STATION,
THANJAVUR.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.11199 of 2021

Date : 11/08/2021

SA/VR/SAR.1/11.08.2021/3P/6C