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

Date : 18/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11708 of 2021

Mahendran, ... Petitioner/Sole Accused

Vs

State rep. by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Cr.No. 599 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Prabhu K.A.S.,
Advocate.

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

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

PRAYER :-

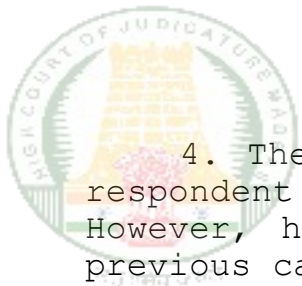
For Bail in Crime No.599 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 06.08.2021, for the offence punishable under Sections 4(1)(a), 4(1)(i) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.599 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 30 numbers of liquor bottles (180ml. each).

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has been falsely implicated in this case. Since the petitioner is languishing in jail from 06.08.2021, he seeks for grant of bail.



4. The learned Government Advocate(Crl.Side) appearing for the respondent submits that the investigation is yet to be completed. However, he fairly submits that the petitioner is not having any previous case.

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5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner, the period of incarceration and also the fact that the petitioner is not having any previous case, 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, Pattukkottai 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.

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

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

[f] 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]**.

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

sd/-
18/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

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 Court,
Pattukkottai.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District.
3. The Superintendent, Papanasam Sub Jail,
Thanjavur District.
4. The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.11708 of 2021
Date : 18/08/2021

TR/PN/SAR-II (18.08.2021) 3P 6C