



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

Date : 17/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12424 of 2021

Maruthaiyan ... Petitioner/Accused (Sole)

Vs

State represented by
The Inspector of Police
Sengipatti Police Station,
Thanjavur District.
Crime No.349 of 2021.

... Respondent/Complainant

For Petitioner : MR.R.L.Dhilipan Pandian,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor (Crl.side)

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

PRAYER :-For Bail in Crime No.349 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 17.08.2021 for the offence under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime.No.349 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 180 ml liquor bottles. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner has filed an affidavit of undertaking attested by the Sub-Jail Superintendent, Sub-Jail, Papanasam before this Court that he will not indulge in any other offences in future. He would further submit that the petitioner is in jail from 17.08.2021 and hence, he prays for grant of bail.



4. The learned Additional Public Prosecutor appearing for the respondent police submits that apart from this case, the petitioner is having three previous cases of similar in nature. He would further submit that the investigation in this case is yet to be completed.

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5. Though the petitioner has involved in three other offences of similar in nature, he has filed an undertaking affidavit attested by the Sub-Jail Superintendent, Sub-Jail, Papanasam before this Court that he will not indulge in any other offences in future.

6. In view of the above and taking into consideration of the facts and circumstances of the case and the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

7. 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Thanjavur District and on further condition 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall file the undertaking affidavit attested by the Sub-Jail Superintendent, Sub-Jail, Papanasam before the concerned Police Station as well as before the concerned Judicial Magistrate. On filing the undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

[c] the petitioner shall appear before the respondent police daily twice ie., at 10.30 a.m and 5.30 p.m until further orders.

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

[e] the petitioner shall not abscond 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 petitioners 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 229-A IPC.

sd/-

17/09/2021

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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 NO.III
THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
SENGIPATTI POLICE STATION, THANJAVUR DISTRICT.
- 4 THE SUB-JAIL SUPERINTENDENT
SUB JAIL, PAPANASAM, THANJAVUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12424 of 2021

Date :17/09/2021

MSA

MK/VR/SAR.I/17.09.2021/3P/6C