



WEB COPY

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

Date : 09/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13204 of 2021

NAGARAJ ... PETITIONER/SOLE ACCUSED

VS

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PEW THANJAVUR POLICE STATION
THANJAVUR DISTRICT
(CRIME NO.897 OF 2021) ... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.KARUNAKARAN K.M,
ADVOCATE.

FOR RESPONDENT : MR.T.SENTHILKUMAR
GOVERNMENT ADVOCATE (CRL.SIDE)

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

PRAYER :-

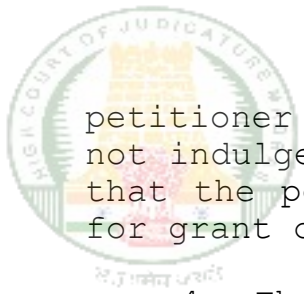
For Bail in Crime No.897 of 2021 on the file of the Respondent Police.

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) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime.No. 897 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.08.2021, the petitioner was found in possession of 20 numbers of TASMAL 180 ml brandy 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. However, to show his bona fide, the



petitioner is ready to file an undertaking affidavit 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 seeks for grant of bail.

4. The learned Government Advocate (Crl. Side) submits that apart from this case, the petitioner has involved in three other offences and the same were disposed of. He would further submit that the investigation in this case is yet to be completed.

5. Though the petitioner has involved in three other offences, the same were disposed of and the petitioner undertook to file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offences in future.

6. Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the fact that the petitioner is ready to file an undertaking affidavit and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. 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:

[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 an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offences in future.

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m and 05.30 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



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

sd/-
09/09/2021

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/ /2021

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

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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 OFFICE INCHARGE,
SUB JAIL, PUDUKKOTTAI
- 4.THE INSPECTOR OF POLICE
PEW THANJAVUR POLICE STATION
THANJAVUR DISTRICT
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13204 of 2021
Date :09/09/2021

GC/SKN/SAR-IV(09.09.2021) 3P 6C