



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

Date : 15/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13543 of 2021

1.R.Veerapandian
2.R.Marimuthu

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
East Police Station
Kumbakonam,
Thanjavur District.
(Crime No.1874 of 2021).

... Respondent/Complainant

For Petitioners : Mr.PR.Boomee Rajan,
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. 1874 of 2021 on the file of the respondent police.

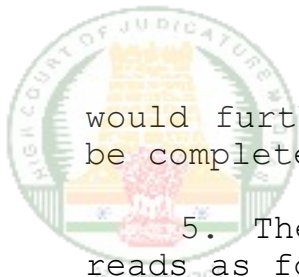
ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested on 27.08.2021 for the offence under Sections 4(1)(aaa), 4(1)(i) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime.No.1874 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 27.08.2021 the petitioners were found in possession of 545 numbers of brandy liquor bottles. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, they are in jail from 27.08.2021 and hence, he seeks for grant of bail.

4. The learned Government Advocate (Crl. Side) would submit that the first petitioner is having one previous case and the second petitioner is having 10 previous cases of similar in nature. He



would further submit that the investigation in this case is yet to be completed.

5. The second petitioner is having ten previous cases which reads as follows:

Sl.No.	Cases
1.	Crime No.400 of 2015 for the offence under Section 4 (1) (a) TNP Act
2.	Crime No.447 of 2017 for the offence under Section 4 (1) (a) TNP Act
3.	Crime No.609 of 2017 for the offence under Section 4 (1) (k) TNP Act
4.	Crime No.827 of 2020 for the offence under Section 4 (1) (k) TNP Act
5.	Crime No.963 of 2020 for the offence under Section 4 (1) (a) TNP Act
6.	Crime No.1065 of 2020 for the offence under Section 4(1) (a) TNP Act
7.	Crime No.4 of 2021 for the offence under Section 4 (1) (a) TNP Act
8.	Crime No.211 of 2021 for the offence under Section 4 (1) (a) TNP Act
9.	Crime No.218 of 2021 for the offence under Section 4 (1) (a) TNP Act
10.	Crime No.267 of 2021 for the offence under Section 4 (1) (a) TNP Act

6.Considering the antecedents of the second petitioner, this Court is not inclined to grant bail. Accordingly, this Criminal Original petition is dismissed as against the second petitioner.

7.However, considering the facts and circumstances of the case, the nature of offence committed by the first petitioner and also the period of incarceration, this Court is inclined to grant bail to the first petitioner, however, with stringent conditions.

8. Accordingly, this Criminal Original Petition is allowed in respect of the first petitioner alone and the first petitioner/A1 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, Kumbakonam, 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.

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[b] the first petitioner/A1 shall appear before the respondent police daily twice ie. at 10.30 a.m and 05.30 p.m until further orders.

[c] the first petitioner/A1 shall not tamper with the evidence or witness either during investigation or trial.

[d] the first petitioner/A1 shall not abscond 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 first petitioner/A1 in accordance with law as if the conditions have been imposed and the first petitioner/A1 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 229-A IPC.

8.Accordingly, this Criminal Original Petition is partly allowed.

sd/-

15/09/2021

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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.I, KUMBAKONAM, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, SUB JAIL, THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.
4. THE INSPECTOR OF POLICE, EAST POLICE STATION KUMBAKONAM, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13543 of 2021

Date :15/09/2021

MSA

MS/VR/SAR-3/15.09.2021/3P.6C

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