



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13804 of 2021

Kumaresan

.... Petitioner/ Accused

Vs

The State rep.by,
The Inspector of Police,
PEW Police Station,
Kumbakonam,
Thanjavur District.
In Crime No.951 of 2021.

... Respondent/Complainant

For Petitioner : Mr.MA.Karunanithi
Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No. 951 of 2021 on the file of the respondent police.

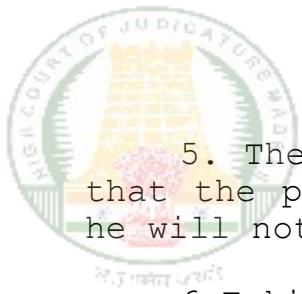
ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 31.08.2021 for the offence under Sections 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime.No.951 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 25 litres of prohibited Pondicherry liquor. 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. He would further submit that the petitioner is in jail from 31.08.2021 and hence, he seeks for grant of bail.

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



5. The learned counsel for the petitioner, in response, submits that the petitioner is ready to file an undertaking affidavit that he will not indulge in any other offence in future.

6. Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled as 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, 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 District Munsif Cum Judicial Magistrate, Thiruvidadaimaruthur, 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 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 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/-
30/09/2021

/ 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.

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARTHUR, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PEW POLICE STATION, KUMBAKONAM, THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13804 of 2021
Date :30/09/2021

MSA
MK/VR/SAR.II/30.09.2021/3P/6C