



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14373 of 2021

Chinnadurai

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Pattukkotai Taluk Police Station,
Thanjavur District.
In Crime No.550 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Muruganantham,
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.550 of 2021 on the file of the Respondent Police.

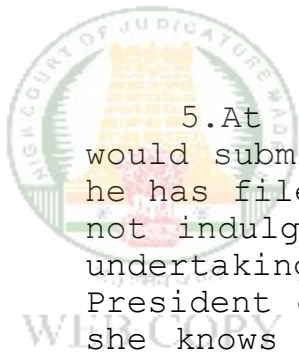
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 12.09.2021 for the offence under Sections 4(1)(a), 4(1)(i) and 4(1-A) Tamil Nadu Prohibition Act, in Crime No.550 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 12.09.2021, the petitioner was found in illegal possession of 68 numbers of 180 ml brandy liquor bottles, 15 numbers of 650 ml beer bottles and cash of Rs.1250/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not indulged in any kind of offence as alleged by the prosecution. He is inside the prison from 12.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail on the ground that apart from this case, the petitioner has involved in six other cases and the investigation in this case is yet to be completed.



5.At this juncture, the learned counsel for the petitioner would submit that the petitioner has realised his mistake, for that he has filed an undertaking affidavit before this Court that he will not indulge in any other offence in future. He has also filed an undertaking affidavit of one Surya W/o.Pugalendhi, who is the President of Aaladikumulai Panchayat, in which, she has stated that she knows the petitioner very well and gave an assurance that the petitioner will not involve in any other offence in future and if the petitioner involves any further offence, she will be responsible for the same and she will abide by any condition imposed by this Court.

6.Considering the facts and circumstances of the case, the undertaking affidavit filed by one Surya, who is the Panchayat President and also 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.1,00,000/- (Rupees one lakh only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukkottai on further conditions that:

[a] the sureties shall affix their photograph 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] if the petitioner involves in any further offence, action can be taken against the sureties and the amount undertook by the sureties shall be impounded;

[c] the petitioner shall file the similar undertaking affidavits before the respondent police as well as before the trial Court.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

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

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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



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

sd/-
07/10/2021

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

ORDER
IN
CRL OP(MD) No.14373 of 2021
Date :07/10/2021

PNM/MSA
MK/SKN/SAR.III/07.10.2021/3P/6C