



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15761 of 2021

Marimuthu

... Petitioner/Accused No.2

Vs

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

... Respondent/Complainant

For Petitioner : Mr.PR.BOOMEERAJAN,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

2.The case of the prosecution is that the accused persons were found in illegal possession of 545 bottles of TASMAC liquor bottles, cash of Rs.74,195/- and two cell phones. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. This is the second bail application. He is inside the prison from 27.08.2021 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 eight 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 and he has filed an undertaking affidavit of one Raji, S/o. Kannaiyan, Who is the 37th Ward Councillor of Palaniyandavar Sannathi Street, Kumbakonam Town, Thanjavur District before this Court, in which, he has stated that he knows the petitioner very well and he gave an assurance that the petitioner will not involve in any other offence in future. If the petitioner involves in any further offence, he will be responsible for the same and he will abide by to any condition imposed by this Court.

6. Considering the facts and circumstances of the case, the nature of offence, the undertaking affidavit of the aforesaid person 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kumbakonam, Thanjavur on further conditions that:

[a] the persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments and the sureties shall ensure the availability of the petitioner for the entire trial.;

[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall not misuse the liberty granted to the petitioner by this Court and if the petitioner involves in any further offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

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

[e] the petitioner shall not abscond during the trial;

[f] the petitioner shall not tamper with the evidence or witness during trial;

[g] On breach of any of the aforesaid conditions, the learned Magistrate Court is entitled to take appropriate action

<https://hmcourtsonline.in/Services/>



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 Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-

25/10/2021

/ 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 JUDICIAL MAGISTRATE NO.I
KUMBAKONAM, THANJAVUR.
- 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.15761 of 2021

Date :25/10/2021

SA/JM/SAR.4/25.10.2021/3P/6C