



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

Date : 01/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16607 of 2021

Kochadai Alias Muthaiah ... Petitioner/Sole Accused

Vs

The state represented by
The Inspector of Police,
Nathampatti Police Station,
Viruthunagar District
(Crime No. 81 of 2021). ... Respondent/Complainant

For Petitioner : M/s.Prabhu.L,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 81 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 27.08.2021 for the offence under Sections 4(1-A), 4(1)(a), 4(1)(i) of Tamil Nadu Prohibition Act in Crime No.81 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 two numbers of 180 ml liquor bottles along with cash of Rs.1200/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He is in judicial custody from 27.08.2021 and hence, he seeks for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent opposed the grant of bail to the petitioner on the ground that this is the second application for bail and the earlier application filed by the petitioner in Crl.O.P.(MD).No.14174 of 2021 was dismissed on 23.09.2021 on the ground that the petitioner has involved in 55 previous cases and as of now, six cases are pending against him.

5.Considering the antecedents, when this Court was about to dismiss the present bail application, the learned counsel for the petitioner submitted that one P.Periyasamy son of Perumal, who is an Ex-service man, has filed an undertaking affidavit that the petitioner will not indulge in further offence.

6.Taking into consideration of the facts and circumstances of the case, the undertaking affidavit filed by the above said Periyasamy 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.25,000/- (Rupees twenty five thousand only) with two sureties to the satisfaction of the learned Judicial Magistrate No.1, Srivilliputhur, Virudhunagar 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.

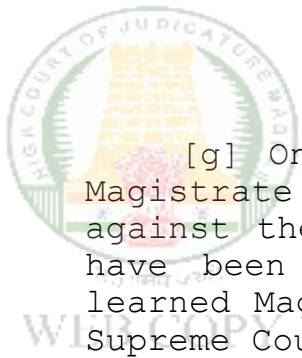
[b] the above said Periyasamy, who has filed an undertaking affidavit on behalf of the petitioner, shall execute a own bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) before the learned Judicial Magistrate No.1, Srivilliputhur, Virudhunagar District.

[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 and take action as against the persons, who have given the sureties on behalf of the petitioner. The concerned Court shall impound the sureties;

[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 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 229-A IPC.

sd/-

01/11/2021

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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,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
 - 4 THE INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION,
VIRUTHUNAGAR DISTRICT
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.PRABHU.L, Advocate SR.No.7754

ORDER

IN

CRL OP(MD) No.16607 of 2021

Date :01/11/2021

SS/VR/SAR-I/01.11.2021 : 3P/7C