



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16401 of 2021

1.Sundaramoorthi
2.Jayaveerapandiyan ... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by,
The Inspector of Police,
PEW., Pattukkottai,
Thanjavur District.
Crime No.1056 of 2021. ... Respondent/Complainant

For Petitioners : Mr.B.Anandan
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

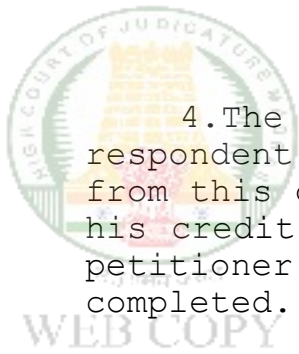
PRAYER :-For Bail in Crime No.1056 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested on 03.10.2021 for the offence under Sections 4(1)(a), 4(1)(i) and 4(1-A) Tamil Nadu Prohibition Act, in Crime No.1056 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 03.10.2021, the petitioners were found in illegal possession of 42 numbers of 180 ml brandy liquor bottles and cash of Rs.14,820/-. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have not indulged in any kind of offence as alleged by the prosecution. They are inside the prison from 03.10.2021 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 first petitioner is having two previous cases to his credit and there is no adverse antecedent as against the second petitioner and the investigation in this case is yet to be completed.

5.At this juncture, the learned counsel for the petitioners would submit that the petitioners have realised their mistakes, and they will file an undertaking affidavit before the respondent police as well as before the trial Court that they will not indulge in any other offence in future.

6.Considering the facts and circumstances of the case, the nature of offence, their readiness to file an undertaking affidavit that they will not indulge in any offence further and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) each with two sureties each 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] the petitioners shall file an undertaking affidavit before the respondent police as well as before the trial Court that they will not involve in any other offence in future.

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

[d] the petitioners 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC;

sd/-
27/10/2021

/ TRUE COPY /

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

ORDER
IN
CRL OP(MD) No.16401 of 2021
Date :27/10/2021

MSA
MK/SKN/SAR.II/27.10.2021/3P/6C