



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16347 of 2021

Balakrishnan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Crime No.658 of 2021

... Respondent/Complainant

For Petitioner : Mr.K.M.KARUNAKARAN,
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.658 of 2021 on the file of the Respondent Police.

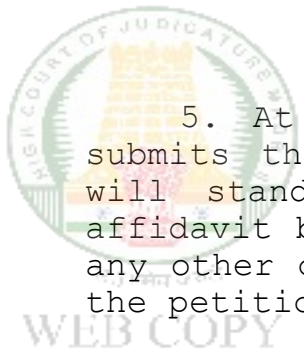
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 02.10.2021, for the offence punishable under Sections 4(1)(a), 4(1-A), 4(1)(i) of Tamil Nadu Prohibition Act, in Crime No.658 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 39 numbers of 180ml Tasmac brandy liquor bottles and 8 numbers of 650ml beer bottles. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, he has been languishing in jail from 02.10.2021. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor opposed for grant of bail on the ground that the petitioner is having nine previous cases.



5. At this juncture, the learned counsel for the petitioner submits that Mr.K.Elenchezian, Union Councillor of Madukkur, who will stand as surety for the petitioner, filed an undertaking affidavit before this Court that the petitioner will not involve in any other offence in future. Hence, he prayed for grant of bail to the petitioner.

6. Considering the facts and circumstances of the case, the period of incarceration and the undertaking affidavit by the Union Councillor of Madukkur, who will stand as surety for the petitioner that the petitioner will not involve in any other offence in future, this Court is inclined to grant bail to the petitioner 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 only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai and 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 file an affidavit before the trial Court, by ensuring that the petitioner will not indulge in any other offence in future and he will be available for the entire trial;

[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 is involved in any other 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 the respondent Police daily at 10.30 a.m. until further orders;

[e] 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 offence in future;

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

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

[h] 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 is 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]**.



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

sd/-
28/10/2021

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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
PATTUKOTTAI.
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, PUDUKOTTAI.
- 4 THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.16347 of 2021
Date :28/10/2021

SA/JM/SAR.3/28.10.2021/3P/6C