



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17103 of 2021

M.Senthil Murugan,

...Petitioner/Accused No.1

- Vs -

State Rep by,
The Inspector of Police,
E.Pudur Police Station,
Trichy City.
(Crime No. 422 of 2021)

... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu,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. 422 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 13.10.2021 for the alleged offence punishable under Section 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act, 1937 in Crime No.422 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 94 numbers of liquor bottles. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, he is in judicial custody from 13.10.2021. Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent opposed for grant of bail on the ground that the



petitioner is involved in ten other cases, out of which, 7 cases are similar in nature.

5. Considering the antecedents, when this Court was inclined to dismiss the bail application, the learned counsel for the petitioner submitted that the petitioner realised his mistake and he will not indulge in any other offence in future. The petitioner is also ready to file an undertaking affidavit before the trial Court as well as before the respondent police that he will not indulge in any other offence in future.

6. Considering the facts and circumstances of the case, the period of incarceration, the petitioner's readiness to file an undertaking affidavit before the trial Court as well as before the respondent Police that he will not indulge in any other offence in future, 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.II, Tiruchirappalli 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 they will be available 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 him by this Court and if the petitioner is involved in any further offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount and take action against the sureties.

[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

https://hcservices.ebar.in/hcservices/ 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]**.

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

sd/-

02/11/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM/OGY

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.II,
TIRUCHIRAPPALLI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
- 3 THE INSPECTOR OF POLICE
E.PUDUR POLICE STATION, TRICHY CITY
- 4 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17103 of 2021

Date :02/11/2021

PKP/PN/SAR-4/02.11.2021/3P/6C