



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

Date : 15/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.17475 of 2021

Velmurugan

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Musiri Police Station,
Trichirappalli District.
(In Crime No.401 of 2021).

... Respondent/Complainant

For Petitioner : Mrs.S.Prabha,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate

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

PRAYER :-For Bail in Crime No.401 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who is arrested on 03.10.2021 for the alleged offences punishable under Sections 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.401 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 10 bottles of cooper liquor. 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.

4.The learned Additional Public Prosecutor would submit that apart from this case, the petitioner is having fourteen previous

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5. Considering the antecedents of this petitioner, this Court by earlier order dated 25.10.2021 dismissed the bail petition filed by the petitioner in CrI.O.P(MD)No.16205 of 2021.

6. The learned counsel appearing for the petitioner would submit that the allegation as against the petitioner is that he was in possession of 10 bottles of cooper liquor. She would further submit that she has also advised the petitioner that he should not involve in any further offence and further she informed before this Court that the petitioner is also prepared to give some respectable person as a surety before the concerned Court with an affidavit that they will ensure that the petitioner will not indulge in any other offence in future.

7. Considering the facts and circumstances of the case, his readiness to file an undertaking affidavit and the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

8. 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, Musiri, 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 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 Judge 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;

[d] the petitioner shall report before the trial Court daily for a period of 30 days and thereafter, shall appear before the trial Court on all future hearing dates without fail;

[e] the petitioner shall file an undertaking affidavit before the trial Court that he will appear before the Court regularly without filing any application to condone his absence on any date of



[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 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/-

15/11/2021

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/ /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,
MUSIRI, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
MUSIRI POLICE STATION, TIRUCHIRAPALLI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17475 of 2021

Date :15/11/2021

AM

MK/VR/SAR.IV/15.11.2021/3P/6C

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