



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.11.2021

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.17484 of 2021

Sivanantham

... Petitioner/Sole Accused

Vs

State rep by its
The Inspector of Police,
Pattukkottai PEW Police Station,
Pattukkottai,
Thanjavur District.
Crime No.1094 of 2021

... Respondent/Complainant

For Petitioner : Mr.S.Deenadhayalan
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

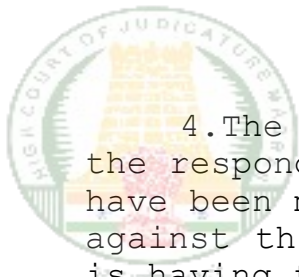
For Bail in Crime No.1094 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 14.10.2021 for the offences punishable under Sections 4(1)(a) and 4(1-A) of TNP Act in Crime No.1094 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 30 numbers (180ml each) of TASMAL brandy liquor bottles. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 14.10.2021. Hence, he seeks bail.



4.The learned Additional Public Prosecutor would submit that the respondent police suspecting that some poisonous substance could have been mixed in the TASMAL liquor bottles and registered the case against this petitioner.He would further submit that the petitioner is having two previous cases of similar in nature.

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5.Considering the above and also the facts that the petitioner is in judicial custody from 14.10.2021 and that the petitioner is having two previous cases, which came to be registered in 2019 for the offence under Section 4(1)(a) of TNP Act, this Court is inclined to grant bail to the petitioner.

6.Accordingly, 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 each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukkottai, Thanjavur District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of one month and thereafter as and when required for interrogation;

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-

11/11/2021

/ TRUE COPY /

/ /2021

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

SJI

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,
PATTUKKOTTAI, THANJAVUR DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
PATTUKKOTTAI PEW POLICE STATION,
PATTUKKOTTAI,
THANJAVUR DISTRICT

4. THE OFFICER INCHARGE
DISTRICT JAIL, THANJAVUR.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/S.S.DEENADHAYALAN, Advocate (SR-7970[I] dated
11/11/2021)

ORDER
IN
CRL OP (MD) No.17484 of 2021
Date : 11.11.2021

VB/JC/SAR-II/11.11.2021/3P/7C