



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

Date : 09/12/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.18927 of 2021

T.Balu

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
(Crime no.1229 of 2021)

... Respondent/Complainant

For Petitioner : Mr.A.Sivasubramanian,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate(crl.side)

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

PRAYER :-

For Bail in Crime No.1229 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 02.10.2021 for the offence punishable under Sections 4(1)(a) and 4(1-A) of the Tamilnadu Prohibition Act 1937, in Crime No.1229 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 129 liquor bottles. It was represented that the petitioner is a habitual offender, having more than 50 cases to his credit. Considering his antecedents, this Court dismissed the earlier bail application filed by him.

3.The learned counsel for the petitioner has moved this second application along with an undertaking affidavit duly sworn to by the petitioner and also with an undertaking affidavit from one



L.R.Rajendran, 25th Ward Member, Kumbakonam stating that the petitioner will not indulge in any further offence. Since the petitioner has been incarcerated in the prison from 02.10.2021, he seeks for grant of bail.

4.Taking into consideration of the facts and circumstances of the case, the period of incarceration and a fact that a responsible person, i.e., a Ward Member of Kumbakonam, has filed an affidavit stating that he will ensure that the petitioner will not involve in any offence in future, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

5.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 I, Kumbakonam and on further conditions that:

[a]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;

[b]the sureties shall file separate affidavits before the concerned Judicial Magistrate Court as well as before the respondent police that they will ensure that the petitioner will not involve in any further offence. Of the two sureties, one surety shall be Mr.L.R.Rajendran, 25th Ward Member, Kumbakonam, who filed affidavit before this Court.

[c]The petitioner shall also file similar such affidavit before the learned Magistrate as well as before the respondent police.

[d]The petitioner shall not misuse the liberty granted to him 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;

[e] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

[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



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.

WEB COPY

sd/-
09/12/2021

/ TRUE 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 I,
Kumbakonam.
 - 2.Do Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
 - 3.The Officer Incharge, District Prison,
Pudukkottai
 - 4.The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S. SIVASUBRAMANIAN.A. Advocate SR.No.9061

ORDER
IN
CRL OP(MD) No.18927 of 2021
Date :09/12/2021

RS/VR/SAR2(10.12.2021) 3P-7C