



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.11.2021

PRESENT

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

CRL OP(MD) . No.18023 of 2021

Mahendran ... Petitioner/Sole Accused

Vs

State Rep by
The Inspector of Police,
Pattukkottai PEW Police Station,
Thanjavur District.
(Crime No.1289 of 2021) ... Respondent/Complainant

For Petitioner : Mr.K.A.S.Prabhu
Advocate.

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

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

PRAYER :-

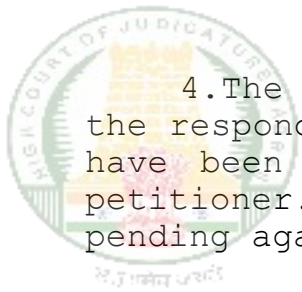
For Bail in Crime No.1289 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 06.11.2021 for the offences punishable under Sections 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act in Crime No.1289 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 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 innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 06.11.2021. 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 liquor, registered the case against this petitioner. He would further submit that no previous case is pending against the petitioner herein.

5.It is the specific case of the prosecution that 30 numbers (180ml each) of TASMAL brandy liquor bottles were recovered from the petitioner/accused. In the First Information Report, it is stated that they have smelled poisonous substance and they have suspected that some poisonous substance could have been mixed in the liquor bottles.

6.Considering the above, this Court is at loss to understand as to how the respondent police has invoked Section 4(1)(A) of Tamil Nadu Prohibition Act. Moreover, since the petitioner is in judicial custody from 06.11.2021 and he is not having any previous case for similar or serious offence, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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 Court, Pattukkottai.

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/-
18/11/2021

/ 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 Court, Pattukkottai.

2. Do Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3. The Officer Incharge,
Sub Jail, Thiruvidaimaruthur,
Thanjavur District.

4. The Inspector of Police,
Pattukkottai PEW Police Station,
Thanjavur District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.A.S.PRABHU, Advocate (SR-8252[I] dated 18/11/2021)

ORDER IN
CRL OP(MD) No.18023 of 2021
Date : 18.11.2021

TR/SKN/SAR-III (18.11.2021) 3P 7C