



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

Date : 25/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18173 of 2021

Suresh, ... Petitioner/Sole Accused

Vs

The Inspector of Police,
PEW Kumbakonam Police Station,
Thanjavur District.
(Cr.No. 1168 / 2021).

... Respondent/Complainant

For Petitioner : M/s.George Paul Anto L,
Advocate.

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

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

PRAYER :-

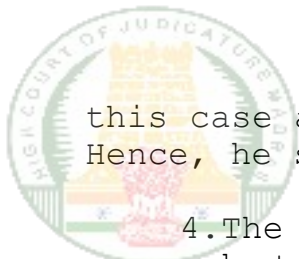
To enlarge the petitioner on bail in connection with case in Cr.No. 1168 of 2021 on the file of the respondent police and pass such or further orders as this Honourable Court may deem fit and proper at the facts and circumstances of the case.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 21.10.2021, for the offence punishable under Sections 4 (1)(a) and 4(1-A), of TN Prohibition Act, in Crime No. 1168 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 19 numbers of 180 ml of Pondicherry Liquor bottles. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in



this case and the petitioner is in judicial custody from 21.10.2021. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the the petitioner was found in illegal possession of 19 numbers of 180 ml of Pondicherry Liquor bottles. He would further submit that the petitioner is having 2 previous cases similar in nature.

5.It is seen from the particulars furnished that the case in Crime No.77 of 2019 on the file of the PEW Kumbakonam Police Station, Thanjavur District, was registered under Section 4(1) (a) r/w 4 (1-A) TNP Act and it was subsequently altered into 4(1) (a) TNP Act, and the other case in Crime No.995 of 2018 was also shown to be TNP Act, offence under Section 4(1) (a) TNP Act.

6.Considering the facts and circumstances of the case and considering the fact that the petitioner is in judicial custody from 21.10.2021, 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 District Munsif Cum Judicial Magistrate, Thiruvidadaimaruthur, Thanjavur District, and on further conditions that;

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.

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].

