



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18396 of 2021

Sarathbabu

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
(Crime No.924/2021)

... Respondent/Complainant

For Petitioner : Mr.M.Karunanithi,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.924 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 29.10.2021, for the offence punishable under Sections 4 (1)(a) and 4(1-A), of TN Prohibition Act, in Crime No. 924 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 10 litres of Pondicherry arrack. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case and the petitioner is in judicial custody from 29.10.2021. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in possession of 10 litres of Pondicherry arrack. He would further submit that the



5.The learned counsel for the petitioner would submit that except a case in Crime No.43 of 2021 on the file of the Pandanallur Police Station, Thanjavur District, other cases were under Section 4 (1)(a) TNP Act and another case in Crime No.53 of 2020 registered for the offence under Section 4(1) (aaa) r/w 4(1-A) TNP Act, was altered into Section 4(1) (aaa) TNP Act.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner is in judicial custody from 29.10.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 Court, 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].

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

sd/-
24/11/2021

/ 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 COURT,
THIRUVIDAIMARUTHUR
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT,
THE CENTRAL PRISON, TRICHY..
- 4 THE INSPECTOR OF POLICE
PANDHANALLUR POLICE STATION, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18396 of 2021
Date :24/11/2021

dss
MK/PN/SAR.III/24.11.2021/3P/6C