



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3517 of 2022

Navanithakrishnan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Kumbakonam PEW Police Station,
Thanjavur District.
(Crime No.346/2022)

... Respondent/Complainant

For Petitioner : Mr.S.Veerapandi Selvaraj,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.346/2022 on the file of the respondent police.

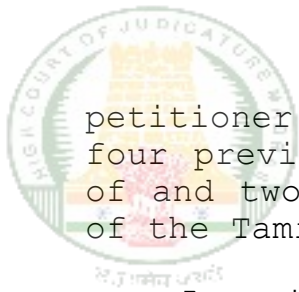
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 10.02.2022 for the offences punishable under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.346 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police was on patrol duty, they found that the petitioner was in possession of 25 numbers of 180ml brandy liquor bottles of Pondicherry Arrack. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor would submit that the respondent police suspecting that some poisonous substance could be used in the liquor and registered the case against this



petitioner. He would further submit that the petitioner is having four previous cases, out of which, two cases were already disposed of and two cases are pending for the offence under Section 4(1)(a) of the Tamil Nadu Prohibition Act.

5. It is the specific case of the prosecution that 25 numbers of 180ml brandy liquor bottles of Pondicherry Arrack 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 facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 10.02.2022 and also the fact that the property has been recovered, 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, Thiruvidaimaruthur.

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/02/2022

/ TRUE COPY /

23/02/2022
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,
THIRUVIDAIMARUTHUR.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 4 THE INSPECTOR OF POLICE
KUMBAKONAM PEW POLICE STATION, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3517 of 2022
Date :23/02/2022

SJI
MK/PN/SAR.III/23.02.2022/3P/6C