



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 03/03/2022

PRESENT

WEB COPY

**The Hon`ble Mr.Justice K.MURALI SHANKAR**  
**CRL OP(MD) . No.4192 of 2022**

1. Mahenthiran

2. Annathurai

... Petitioners/A1 & A2

Vs

The state represented by  
The Inspector of Police,  
Woraiyur Police Station,  
Trichy District.  
(Crime No. 163 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Mahendrapathy.S.,  
Advocate.

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

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

PRAYER :-

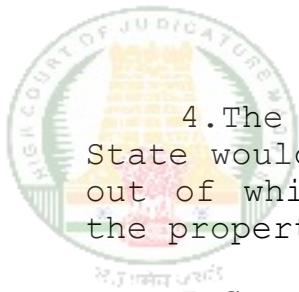
For Bail in Crime No. 163 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 22.02.2022 for the offence under Sections 4(1)(aa), 4(1)(i) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.163 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of SNJ 10000 beer-24 bottles, King Fisher Magnum Strong Beer-43 bottles, MGM Diamond Rum-21 bottles, Royal Accord-2 bottles, XO Golden-1 bottle, Vodka Jumo-8 bottles, King Louis-9 bottles and Bacardi Lenon-5 bottles totally 113 brandy bottles. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.



4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioners are having 8 previous cases, out of which, 6 cases were disposed. He would further submit that the property has been recovered.

5.Considering the facts and circumstances of the case and considering the nature of the charges levelled against the petitioners and also the fact that the properties involved in the present case has already been recovered, this Court is inclined to grant bail to the petitioners subject to the following conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.10,000/- (Rupees Twenty Five Thousand only)each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.IV, Trichy.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Trichy.

(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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter as and when required for interrogation;

(iii)the petitioners shall not tamper with evidence or witness;

(iv)the petitioners 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 petitioners 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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/03/2022

/ TRUE COPY /

04/03/2022

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



das

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 NO.IV  
TRICHY
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE OFFICER INCHARGE,  
SUB JAIL,MUSIRI.
- 4 THE INSPECTOR OF POLICE  
WORAIYUR POLICE STATION, TRICHY DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,  
GOVERNMENT OF TAMIL NADU,  
CHIEF MINISTER PUBLIC RELIEF FUND,  
SECRETARIAT,CHENNAI 09.

ORDER  
IN  
CRL OP(MD) No.4192 of 2022  
Date :03/03/2022

SS/SBN/SAR-III/04.03.2022 : 3P/7C