



WEB COPY

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

Date : 11.03.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4658 of 2022

Sundar

... Petitioner/2nd Accused

Vs

The State represented by
The Inspector of Police,
Pandanallur Police Station,
Thanjavur District.
(Crime No.248 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side).

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

PRAYER :-

For Bail in Crime No.248 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 24.02.2022 for the offences punishable under Sections 4(1)(aaa) and 4(1-A) of Tamilnadu Prohibition Act and Sections 6 and 7 of Tamilnadu Rectified Sprit Rules, 2000, in Crime No.248 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 66 litres of Pondicherry illicit Arrack. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was arrested for similar offence on 25.06.2021 in Crime No.252 of 2021 on the file of the Pandanallur Police Station and subsequently, he was arrested formally on 24.02.2022 so far as the present case is concerned and remanded to judicial custody. He would further submit that the petitioner has filed a petition, in HCP(MD) No.1123 of 2021, challenging the detention order passed by the District Collector, Thanjavur District, in P.D.No.84 of 2021 and this Court has passed the order dated 07.03.2022 quashing the detention order.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is having twenty one previous cases.

5.Considering the above facts and circumstances and also the fact that the petitioner is in judicial custody from 24.02.2022 in respect of the present case, this Court is inclined to grant bail to the petitioner on certain 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, 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 pay a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to his rights and contentions before the Judicial Magistrate at the time of furnishing sureties.

(iii)the petitioner 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;

(iv)the petitioner shall not tamper with evidence or witness;

(v)the petitioner shall not abscond during trial;

(vi)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]***.

(vii)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/03/2022

/ TRUE COPY /

/ /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,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PANDANALLUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :
THE OFFICER-INCHARGE,
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4658 of 2022
Date :11/03/2022

USK/PN/SAR-III/11.03.2022/3P/7C