



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.4655 of 2022

1. Subramaniyan
2. Shanmugam

... Petitioners/ Accused 1&2

Vs

The State represented by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.174 of 2022)

... Respondent/ Complainant

For Petitioners : 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.174 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who were arrested and remanded to judicial custody on 24.02.2022 for the offences punishable under Sections 4(1)(a) and 4(1-A) of Tamilnadu Prohibition Act, in Crime No.174 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused were found in illegal possession of 192 numbers of liquor bottles. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the third accused was already granted anticipatory bail by this Court in Crl.O.P.(MD)No.4173 of 2022.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the property has been recovered. He would further submit that the first petitioner is having two previous cases for similar offence in the year 2019 and 2020 and that the second petitioner is not having any previous cases.



5.Considering the above facts and circumstances and also the facts that the property has been recovered and that the third accused was already granted anticipatory bail by this Court, this Court is inclined to grant bail to the petitioners on certain conditions:

6.Accordingly, 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.2, Thanjavur.

(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 first 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 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;

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

(v)the petitioners 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 petitioners 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]**.

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

sd/-
11/03/2022

/ TRUE COPY /

11/03/2022
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 NO.2
THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, PUDUKKOTTAI.
- 4 THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.
- 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.4655 of 2022
Date :11/03/2022

SA/PN/SAR.3/11.03.2022/3P/7C