



WEB COPY

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

Date : 26/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7753 of 2022

Dhanabal

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Pattukottai PEW Police Station,
Thanjavur District.
Crime No.907 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.Porkodi Karunakaran
Advocate.

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

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

PRAYER :-For Bail in Crime No.907 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 19.08.2021 for the offences punishable under Sections 4(1)(aaa), 4(1)(g), 4(1)(i) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.907 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 110 litres of ID arrack along with 200 litres of Molasses. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was detained under the Tamil Nadu Act 14/1982 and that the petition filed in HCP(MD)No.170 of 2022 was allowed and the

<https://hccer.cerit.org.in/hccer>



4.The learned Additional Public Prosecutor would submit that the petitioner is having one previous case for similar offence.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 19.08.2021 and also the fact that the detention order was already quashed by this Court, 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, Pattukottai.

(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., until further orders;

(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/-
26/04/2022

/ TRUE COPY /

26/04/2022
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,
PATTUKOTTAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE
PATTUKOTTAI PEW POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7753 of 2022
Date :26/04/2022

SJI
MK/PN/SAR.IV/26.04.2022/3P/6C