



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14.06.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10233 of 2022

Muthusamy ... Petitioner/Accused No.1

Vs

State through
The Inspector of Police,
Musiri Police Station,
Trichy District.
(Crime No.140 of 2022). ... Respondent/Complainant

For Petitioner : Mr.R.ALAGUMANI,
Advocate.
For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl. side).

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

PRAYER :- For Bail in Crime No.140 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 24.04.2022 for the offences punishable under Sections 4(1)(a), 4(1)(i) r/w 4(1-A) of Tamilnadu Prohibition Act, in Crime No.140 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 152 numbers of liquor bottles. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the second accused was already arrested and released on bail by the Sessions Judge, Trichy.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner is having 16 previous cases, but all the cases were registered for the offence under Section 4(1)(a) of Tamilnadu Prohibition Act relating to TASMAL liquor.



5.Considering the nature of the charges levelled against the petitioner and also the facts that the petitioner is in judicial custody from 24.04.2022, that the second accused was already arrested and released on bail and that the property has been recovered, 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, Musiri.

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

sd/-

14/06/2022

/ TRUE COPY /

14/06/2022

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
MUSIRI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to M/S.ALAGUMANI R Advocate SR.No.5524

ORDER

IN

CRL OP(MD) No.10233 of 2022

Date :14/06/2022

SA/PN/SAR.3/14.06.2022/3P/7C