



WEB COPY

CRL OP(MD)N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.06.2023
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD)No.10369 of 2023

Murugan

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
K.Pudupatty Police Station,
Pudukkottai District.
(Crime No.89 of 2023)

... Respondent/Complainant

For Petitioner : Mr.A.ARUN PRASAD, Advocate

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor.

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

PRAYER :- For Bail in Crime No.89 of 2023 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 01.06.2023 for the offences punishable under Sections 4(1)(a), 4(1)(g), 4(1-A) of TN Prohibition Act in Crime No.89 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the secret information, the respondent police went to the occurrence place and found that the petitioner was holding illicit arrack and they also found that petitioner was preparing 110 liters of illicit arrack in the nearby place. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the petitioner is having three previous cases, in which, two cases are similar in nature.



5. It is seen from the previous case list that the similar cases are of the year 2009 and it is not known as to whether charge sheet has been filed or not.

6. Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 01.06.2023 and that the property was seized, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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, Thirumayam.

(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 deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) 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 his rights and contentions before the trial Court and shall produce the receipt before the concerned Magistrate at the time of executing the bond.

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

sd/-

13/06/2023

/ TRUE COPY /

13/06/2023

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



GNS
TO

1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
K.PUDUPATTY POLICE STATION,
PUDUKKOTTAI 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-9.

ORDER

IN

CRL OP(MD) No.10369 of 2023
Date :13/06/2023

SA/SSS/SAR. /13.06.2023/3P/7C