



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/06/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5663 of 2020

Kumar

... Petitioner/Accused No.1

Vs

The State Rep. by
The Sub Inspector of Police,
Kadayam Police Station,
Tirunelveli District.
(Crime 234 of 2020).

... Respondent/Complainant

For Petitioner : M/s.S.Sathya Chidambaram,
Advocate.

For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 234 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence punishable under Sections 4(1) (A), 4(1)(g) of TNP Act.

2. The case of the prosecution is that on 19.05.2020 the petitioner along with other accused were found in possession of two litres of liquor.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.



4. The learned Additional Public Prosecutor appearing for the State would submit that there is no previous case pending against the petitioner.

5. Considering the overall facts and circumstances of the case and also the fact that the quantity involved is only two litres, this Court is inclined to grant bail to the petitioner by imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamudram

[a] 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;

[b] the petitioner shall report before the respondent police daily as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/06/2020

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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.

<https://hcservices.ecourts.gov.in/hcservices/>



1. THE JUDICIAL MAGISTRATE, AMBASAMUDRAM.

2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4. THE SUB INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.5663 of 2020

Date :04/06/2020

AAV

TE/VR/SAR-II : 04/06/2020 : 3P/6C