



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

Date : 02/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1327 of 2021

Rajasekar

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
Crime No.18/2021.

... Respondent/Complainant

For Petitioner : Mr.Umamaheswaran.U, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.18 of 2021 on the file of the respondent police.

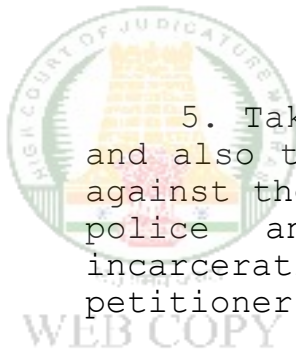
ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 11.01.2021 for the offences punishable under Sections 4(1)(a),4(1-A) of TNP Act 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 25 numbers of 180 ml of brandy liquor bottles. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and for statistical purpose a false case has been foisted against the petitioner. He would also submit that the petitioner is in jail for more than 20 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that petitioner was found in illegal possession of 25 numbers of 180 ml of brandy liquor bottles and the same was seized by the respondent police. He would also submit that no previous case is pending against the petitioner.



5. Taking note of the above facts and circumstances of the case and also taking note of the fact that no previous case is pending against the petitioner and the bottles were seized by the respondent police and also taking into consideration the period of incarceration, 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Orthanadu, Thanjavur District

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 two weeks 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/02/2021

/ TRUE COPY /

/ /2021
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,
ORATHANADU, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
THIRUVONAM POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

ORDER

IN

CRL OP(MD) No.1327 of 2021

Date :02/02/2021

AAV

JM/VR/SAR III/02.02.2021/3P/6C