



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.02.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3000 of 2022

Babu

... Petitioner/Accused No.3

Vs

State represented by,
The Inspector of Police,
Panthanallur Police Station,
Thanjavur District.
(Crime No.248 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Karunanithi,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.248 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.3, who was arrested and remanded to judicial custody on 24.01.2022 for the offences punishable under Sections 4 (1)(aaa) and 4(1-A) of TNP Act and Sections 6 & 7 of TN Rectified Spirit Rules 2000, in Crime No.248 of 2021, 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 Rectified Spirit. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been implicated in this case only based on the confession statement given by the co-accused and that there was no recovery from the petitioner and he has no connection whatever with the alleged occurrence.



4.The learned Additional Public Prosecutor would submit that the petitioner is having previous cases for the similar offence, but he would fairly concede that the petitioner is not having any previous cases under the Tamil Nadu Rectified Spirit Rules 2000.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 24.01.2022 and also the facts that there was no recovery from the petitioner and he has been implicated in this case only on the basis of the confession statement alleged to have taken from the co-accused and that the accused Nos.1 and 2 were already released on bail by the District 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, Thiruvudaimaruthur, 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., 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/-

14/02/2022

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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.

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TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PANTHANALLUR 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.3000 of 2022
Date :14/02/2022

RS/VR/SAR.4(14.02.2022) 3P-6C