



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7014 of 2022

Murugesan

... Petitioner/Sole Accused

Vs

State Rep.by
The Insepctor of Police,
Swamimalai Police Station,
Thanjavur District.
(Cr.No.168/2022).

... Respondent/Complainant

For Petitioner : M/s.B.Anandan,
Advocate.

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

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

PRAYER :-

For Bail in Cr.No.168/2022 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 29.03.2022 for the offences punishable under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.168 of 2022 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 55 brandy bottles (each containing 180ml). Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and that he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 29.03.2022. However, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that may be imposed by this Court.



4.The learned Additional Public Prosecutor for the respondent police would submit that the property has been recovered and that the petitioner is having one previous case for similar offence.

5.Considering the nature of the offence alleged and also the fact that the property has been recovered and that the petitioner is in judicial custody from 29.03.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit 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 produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Kumbakonam.

7.On such deposit, the petitioner is ordered to be released on bail on condition that the petitioner shall execute 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 No.II, Kumbakonam, and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)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;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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]***; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/04/2022

/ TRUE COPY /

18/04/2022

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.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE OFFICER INCHARGE
SUB JAIL, KUMBAKONAM.
 - 4 THE INSEPCTOR OF POLICE
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
 - 5 THE OFFICER-INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT,
CHENNAI-9.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7014 of 2022
Date :18/04/2022

RS/VR/SAR.2 (18.04.2022) 3P-7C