



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

Date : 18/05/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

WEB COPY

CRL OP(MD) . No.9160 of 2022

1. Navaneethakrishnan
2. Rajaram

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Thanjavur PEW Police Station,
Thanjavur District.
Crime.No.1038 of 2022.

... Respondent/Complainant

For Petitioner : M/s.KARUNAKARAN.K.M.,
Advocate.

For Respondent : Mr.M.VAIKKAM KARUNANITHI,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.1038 of 2022 on the file of the Respondent police.

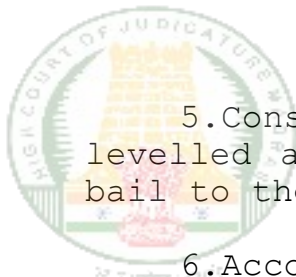
ORDER : The Court made the following order :-

The petitioner/accused Nos.1 and 2, who were arrested and remanded to judicial custody on 27.04.2022 for the offences punishable under Sections 4(1)(aa), 4(1)(i) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.1038 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 48 numbers of 180 ML TASMAL brandy liquor bottles and 960 numbers of 90 ML TASMAL brandy liquor bottles. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. However, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount that may be imposed by this Court.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the investigation is almost completed and also would submit that two previous cases are pending against the first petitioner and 9 previous cases are pending against the second petitioner.



5.Considering the above and also the nature of the charges levelled against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Thanjavur and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the first petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) and the second petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of M/s.Thanjavur Advocate Clerks Association (Account No.179601000020910, IFSC Code:IOBA0001796), within a period of two weeks without prejudice to their rights and contentions before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount.

[c]the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter as and when required for interrogation.

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

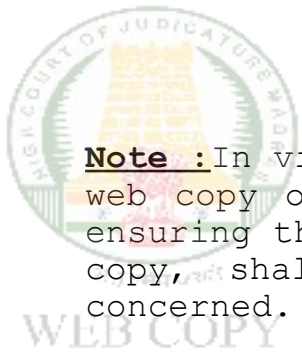
[e]the petitioners shall not abscond either during investigation or trial.

[f]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

sd/-
18/05/2022

/ TRUE COPY /

18/05/2022
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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.1
THANJAVUR
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THANJAVUR PEW POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT JAIL, PUDUKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9160 of 2022

Date :18/05/2022

SA/SVR/SAR.2/18.05.2022/3P/6C