



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05.09.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.14773 of 2022

WEB COPY

1.Sreedhar
2.Nallathambi

... Petitioners/Accused Rank 4 and 5

Vs

The State Rep. By,
The Inspector of Police,
PEW-Kamuthi Police Station,
Ramanathapuram District.
Crime No.649 of 2022

... Respondent/Complainant

For Petitioners : Mr.J.Vishnu, 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 Crime No.649 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A4 and A5, who were arrested and remanded to judicial custody on 02.08.2022 for the offences punishable under Sections 4(1)(a), 4(1)(i), 4(1-A) and 7 of TNP Act and Sections 468 and 471 of IPC in Crime No.649 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 173 bottles of liquor. Hence, the complaint.

3.On the side of the petitioners, it is stated that the petitioners are arrayed as A4 and A5 in this case. The petitioners are running a bar. Only because, the petitioners are having previous cases, the police has registered this case. The petitioners are in judicial custody from 02.08.2022 and prayed the petitioners to be released on bail.

4.On the side of the prosecution, it is stated that A4 is having one previous case and A5 was having 22 previous cases, out of which, 5 cases are still pending. The petitioners were arrested for having possession of 173 bottles of liquor and prayed the petition

<https://www.mca.gov.in/judis>



5.Considering the nature of the offence and on considering the facts that the petitioners are in custody from 02.08.2022 and out of 22 cases, 17 cases were ended in acquittal against A5, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Ramanathapuram 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 petitioners shall report before the trial Court on all working days at 10.30 a.m., until further orders;

(iii)the petitioners shall not tamper with evidence or witness;

(iv)the petitioners 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 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]**.

(vi)If the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/09/2022

/ TRUE COPY /

05/09/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM DISTRICT.
2. THE OFFICER-INCHARGE,
MUDUKULATHUR JAIL, RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PEW - KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.VISHNU, Advocate (SR-9657[I] dated 05/09/2022)

ORDER IN

CRL OP(MD) No.14773 of 2022

Date :05/09/2022