



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.09.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16415 of 2022

WEB COPY

Marimuthu

... Petitioner/Sole accused

Vs

State represented through
The Inspector of Police,
Kumbakkonam East Police Station,
Thanjavur District.
Crime No.601 of 2022

... Respondent/Complainant

For Petitioner : Mr.S.Paulmuruges, 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.601 of 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 01.08.2022 for the offences punishable under Sections 4(1)(a), 4(1)(i), 4(1-A) of TNP Act in Crime No.601 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was in illegal possession of 68 numbers of 180ml brandy liquor bottles. Hence the complaint.

3.On the side of the petitioner it is stated that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case and pray the petitioner to be released on bail.

4.The learned Additional Public Prosecutor stated that the petitioner is having 9 previous cases and he is in custody for more than 45 days and pray the petition to be dismissed.

5.Considering the period of incarceration of the petitioner, this Court is inclined to release the petitioner on bail on the following conditions:



6.The petitioner is ordered to be released on } on 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 No.1, Kumbakkonam, Thanjavur District, and on further conditions that:

(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 be present before the Court on hearing dates and before the respondent police as and when required;

(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/-

13/09/2022

/ TRUE COPY /

13/09/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KUMBAKKONAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKKONAM.
- 3 THE INSPECTOR OF POLICE, KUMBAKKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.16415 of 2022

Date :13/09/2022

PNN

RS/VRS/SAR.1 (13.09.2022) 2P-6C

<https://www.mhc.tn.gov.in/judis>