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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17036 of 2022

Sathiyaraj

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
(in Crime No.568 of 202)

... Respondent/Complainant

For Petitioner : M/s.Eashwar.T, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

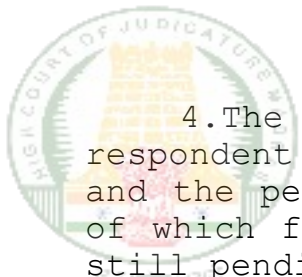
For Bail in Crime No.568 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 15.08.2022 for the offences punishable under Sections 4(1)(aa), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.568 of 2022 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 238 brandy quarter bottles. Hence, the complaint.

3.The learned counsel for the petitioner would submit that based on the confession statement given by the co-accused, the petitioner has been falsely implicated in this case and he is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 15.08.2022 and the petitioner shall abide any condition imposed by this Court.



4.The learned Additional Public Prosecutor appearing before the respondent police would submit that the property has been recovered and the petitioner is having six previous cases in his credit, out of which four cases are similar in nature and the investigation is still pending.

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5.Considering the facts and circumstances of the case and considering the period of incarceration and also the fact that the property has been recovered, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, 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.II, Kumbakonam.

(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 is directed to pay a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iv)the petitioner shall not tamper with evidence or witness;

(v)the petitioner shall not abscond during trial.

(vi)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].

(vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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26/09/2022

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, 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 INSPECTOR OF POLICE, SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
 - 5 THE HEADMISTRESS, GOVERNMENT HIGH SCHOOL, SATHYAMOORTHY NAGAR,
MADURAI.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.T.EASHWAR, Advocate (SR-10521[I] dated 26/09/2022)

ORDER
IN
CRL OP(MD) No.17036 of 2022
Date :26/09/2022

CP
RS/SBN/SAR.2 (26.09.2022) 3P-8C