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CRL OP(MD).N



22

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

Date : 06/10/2022

PRESENT

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

CRL OP(MD).No.17737 of 2022

Babu @ Vijayakumar

... Petitioner/Accused No.6

Vs

State represented by
The Inspector of Police,
Thanjavur PEW Police Station,
Thanjavur District.
Crime No:688/2019.

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran, Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 688/2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.6, who was arrested and remanded to judicial custody on 03.06.2022 for the offences punishable under Sections 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act, 465, 468, 471, 420 of IPC and 5 & 7 of Tamil Nadu Rectified Spirit Rules, 2000, in Crime No.688 of 2019, 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 liquor bottles and liquor stickers. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. 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 appearing before the respondent police would submit that the investigation is almost completed. But, however, seven previous cases are pending against the petitioner.

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

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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.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 petitioner shall pay a sum of **Rs.20,000/- (Rupees Twenty Thousand only) to the credit of M/s.Thanjavur Advocate Clerks Association (Account No.179601000020910, IFSC Code:IOBA0001796)**, without prejudice to his rights and contentions before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount.

[c]the petitioner shall report before the respondent police **daily at 10.30 a.m., for a period of four (4) weeks** and thereafter as and when required for interrogation.

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

[e]the petitioner 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 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]**.

sd/-

06/10/2022

/ TRUE COPY /

06/10/2022

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.1, THANJAVUR.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
 - 4 THE INSPECTOR OF POLICE, THANJAVUR PEW POLICE STATION,
THANJAVUR DISTRICT.
 - 5 THE OFFICER INCHARGE, THANJAVUR ADVOCATE CLERKS ASSOCIATION,
THANJAVUR DISTRICT.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-10959[I] dated
06/10/2022)

ORDER
IN
CRL OP(MD) No.17737 of 2022
Date :06/10/2022

MGA/DSS
RS/VR/SAR.4(06.10.2022) 3P-8C