



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

Date : 07/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.17982 of 2022

Dharma @ Dharmaraj

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
PEW Kumbakonam Police Station,
Thanjavur District.
Cr.No.1670/2022.

... Respondent/Complainant

For Petitioner : M/s.Mani Anandh P,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.1670/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 24.07.2022 for the offences punishable under Sections 4 (1)(a) and 4(1-A) of Tamil Nadu Prohibition Act and Sections 272, 420, 465, 468 and 471 of IPC in Crime No.1670 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 81 numbers 180ml of Pondicherry liquor bottles, 47 numbers of empty bottles and 98 numbers of bottles' caps, in order to manufacture illegal liquor. 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. He would further submit that the petitioner is in judicial custody from 24.07.2022 and he is ready to abide any condition imposed by this Court. Hence, he prays for bail.



4.The learned Government Advocate (Crl. side) appearing on behalf of the respondent police strongly opposed this petition stating that the petitioner and other accused were in illegal possession of liquor bottles. He would further submit that there is no previous case pending against the petitioner.

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5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that the petitioner is in judicial custody from 24.07.2022, 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.25,000/- (Rupees Twenty Five 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 deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Annai Indira Pengal Munnetra Sangam (ANPMS), Abiram Nagar, Sikkanthar Savadi, Madurai, Mobile Nos.8270863703, 9843883910 & 7639281110**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii)the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation;

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

iv)the petitioner 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 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/-

07/10/2022

/ TRUE COPY /

07/10/2022

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

COPY TO :

THE OFFICER-INCHARGE,
ANNAI INDIRA PENGAL MUNNETRA SANGAM (ANPMS),
ABIRAM NAGAR, SIKKANTHAR SAVADI,
MADURAI.

+1 CC to M/s.P.MANI ANANDH, Advocate (SR-11041[I] dated
07/10/2022)

ORDER
IN
CRL OP(MD) No.17982 of 2022
Date :07/10/2022

SJI/KSA
USK/SBN/SAR-I/07.10.2022/3P/8C