



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

Date : 14/10/2022

PRESENT

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

CRL OP(MD). No.18279 of 2022

Marimuthu @ Chinnamari

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thanjavur PEW Police Station,
Thanjavur District.
(Crime No.2102/2022).

... Respondent/Complainant

For Petitioner : M/s.Karunakaran K M
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.2102/2022 on the file of the Respondent Police.

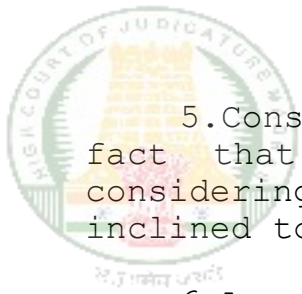
ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 23.09.2022, for the alleged offence under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.2102 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.09.2022, the accused persons were found in illegal possession 33 Nos. of liquor bottles, to the tune of Rs.10,000/-. Hence, the complaint.

3.On the side of petitioner, it is stated that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. The co-accused was already released on bail. He is noway connected with the offence. Hence, prays to release him on bail.

4.On the side of prosecution, it is stated that the accused persons were found in illegal possession of arrack. The petitioner is having five previous cases at his credit and hence, strongly opposed to grant bail.



5. Considering the facts and circumstances of the case, the fact that the co-accused was already enlarged on bail also considering the nature of the offence alleged, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of the Head Mistress, Govt. High School, Sathyamoorthy Nagar, Madurai (SBI Bank, CIF No.85420502171, A/c No.30641540761, IFSC No.SBIN0016503), Phone No.2463101**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail on his 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 Judicial Magistrate No.2, Thanjavur.

a) 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;

b) the petitioner shall report before the respondent police daily at 10:30 a.m until further orders;

c) the petitioner shall not tamper with evidence or witness;

d) the petitioner shall appear before the concerned Court on all hearing dates and appear before the respondent Police, as and when required;

e) 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]; and;

f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/10/2022

/ TRUE COPY /

14/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.2, THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE, THANJAVUR PEW POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE HEAD MISTRESS,
GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR,
MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-11407[I] dated
14/10/2022)

ORDER
IN
CRL OP(MD) No.18279 of 2022
Date :14/10/2022

PNM
RS/VR/SAR.(14.10.2022) 3P-8C