



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

Date : 17/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.18400 of 2022

N.Surulinathan

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Odaipatti Police Station,
Theni District.
(Cr No.129/2022).

... Respondent/Complainant

For Petitioner : M/s.Guhan K,
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 Cr No.129/2022 on the file of the respondent police.

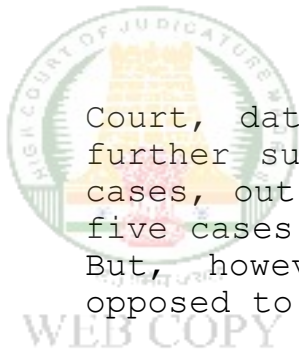
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 15.08.2022 for the offences punishable under Sections 4(1)(aaa) of TN Prohibition Act in Crime No.129 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 1020 bottles of liquor, 180ml each. 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 and he is in judicial custody from 15.08.2022. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that this is the petitioner's second bail application and the earlier application was dismissed by this



Court, dated 22.09.2022 in Crl.O.P.(MD)No.17038 of 2022. Id further submit that the petitioner is having thirty five previous cases, out of which, 30 previous cases were already disposed of and five cases are pending. The major part of the investigation is over. But, however, considering the gravity of offence, he strongly opposed to grant bail to the petitioner.

5.Considering the nature of the offence and also considering the facts that the major part of the investigation is over and the petitioner is in judicial custody from 15.08.2022, 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District.

(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 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/-
17/10/2022

/ TRUE COPY /

17/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.

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



2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT JAIL, THENI.
4. THE INSPECTOR OF POLICE,
ODAIPATTI POLICE STATION,
THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.GUHAN, Advocate (SR-11487[I] dated 17/10/2022)

ORDER
IN
CRL OP(MD) No.18400 of 2022
Date :17/10/2022

sjj
USK/VR/SAR- /17.10.2022/3P/7C