



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/10/2022

PRESENT

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

CRL OP(MD). No.18449 of 2022

Arulsamy

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thiruvegampathur Police Station,
Sivagangai District.
(Crime No.92/2022).

... Respondent/Complainant

For Petitioner : M/s.Ramesh Kumar S,
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.92/2022 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 03.10.2022 for the offences punishable under Sections 4(1-A) and 4(1)(i) of Tamil Nadu Prohibition Act in crime No.92 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 9 bottles of Mclene Brandy, 180 ml each and sold out the liquor to others without the permission of the Government. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 03.10.2022, hence, he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner was found in possession of 9 bottles of Mclene Brandy, 180 ml each and sold the same to others without any valid permit. He would further submit that the petitioner is having no previous case. But, however, considering the gravity of offence, he strongly opposed to grant bail to the petitioner.



5. Considering the facts and circumstances of the case, so considering the period of incarceration and also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner on certain 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, Devakottai, Sivagangai 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

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17/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE, DEVAKOTTAI, SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT JAIL, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE,
THIRUVEGAMPATHUR POLICE STATION, SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.S.RAMESH KUMAR, Advocate, SR.No.11518

ORDER IN

CRL OP(MD) No.18449 of 2022

Date :17/10/2022

SJI

SA/SBN/SAR. /17.10.2022/2P/7C