



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.18448 of 2022

1. Vairam
2. Subramani

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
Cr.No.181/2022.

... Respondent/Complainant

For Petitioners : M/s.Rajeshwaran 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 Crime No.181/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 09.10.2022 for the offences punishable under Sections 4(1-A) and 4(1)(i) of TN Prohibition Act in crime No.181 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in possession 23 bottles of Top star brandy by mixing some illegal tablets and sold out the liquor to others without the permission of the Government. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 09.10.2022, hence, they may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioners were found in possession of 23 bottles of Top star brandy and sold the same to others without any valid permit. He would further submit that the petitioners are having no previous case. But, however, considering the gravity of offence, he strongly opposed to grant bail to the petitioners.



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

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate Court, Devakottai.

(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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

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

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 CHIEF JUDICIAL MAGISTRATE, DEVAKOTTAI.

2 THE OFFICER INCHARGE, DISTRICT JAIL, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.RAJESHWARAN K Advocate SR.No.11461

ORDER IN

CRL OP(MD) No.18448 of 2022

Date :17/10/2022

SJI

<https://www.mhcc.mys.gov.in/judis> /17.10.2022/2P/6C