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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2022

PRESENT

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

CRL OP (MD) . No.18549 of 2022

Kavi ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Melattur Police Station,
Thanjavur District.
Crime No.630/2022.

... 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 :-

C-33B. For Bail in Crime No.630/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 04.10.2022 for the alleged offence under Section 4(1)(a), 4(1-A) of TNP Act, in Crime No.630 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 04.10.2022 at about 10.30hours, the accused was found in illegal possession of 51 bottles of liquor. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is noway connected with the offence. The petitioner is in custody from the date of arrest, ie., 04.10.2022. hence, prays to release him on bail.



4. On the side of respondent, it is stated that the petitioner is having six previous cases, in which, two cases are similar in nature and hence, prayed to dismiss the petition.

5. Considering the facts and circumstances of the case, nature of the offence and also considering the period of incarceration, this Court is inclined to enlarge the petitioner on bail.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner shall deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950**, 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.3, 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/-
19/10/2022

/ TRUE COPY /

19/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. The Judicial Magistrate No.3, Thanjavur

2. Do Through,

The Chief Judicial Magistrate, Thanjavur.

3. The Superintendent, Sub Jail, Thanjavur.

4. The Inspector of Police,
Melattur Police Station, Thanjavur
District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Head Mistress, MDU East PU Primary School,
Y.Othakadai,
Madurai

+1CC to M/s.K.M.Karunakaran, Advocate (SR.No.11634)

IN

CRL OP (MD) No.18549 of 2022

Date : 19/10/2022

MGJ(19.10.2022) 3P 8C