



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

Date : 19/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.18643 of 2022

1. Velmurugan
2. Selvam

... Petitioners/Accused No.1&2

Vs

The State Rep. By,
The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
(Crime No. 789 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Ilayaraja R,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

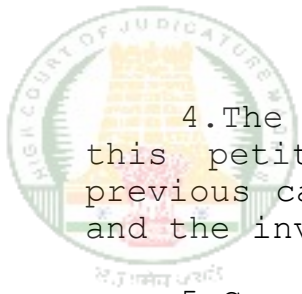
For Bail in Crime No.789 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 02.10.2022 for the offences punishable under Sections 4(1)(a), 4(1)(i) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.789 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were in possession of 34 numbers of liquor bottles (each containing 180 ml litres) illegally. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. However, he would further submit that the petitioners shall abide any condition imposed by this Court. Hence, he prays for bail.



4.The learned Additional Public Prosecutor strongly opposed this petition stating that the first petitioner is having 14 previous cases and the second petitioner is having 9 previous cases and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that the petitioners are in judicial custody from 02.10.2022, this Court is inclined to grant bail to the petitioners subject to the following 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 Judicial Magistrate No.I, Kumbakonam.

(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 first petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) and the second petitioner shall deposit a sum of Rs.7,000/- (Rupees Seven 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 their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

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

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

(v)the petitioners shall not abscond during trial.

(vi)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/-

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.I,
KUMBAKONAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER-INCHARGE,
SUB-JAIL, KUMBAKONAM.
4. THE INSPECTOR OF POLICE
KUMBAKONAM EAST 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.

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-11630[I] dated 19/10/2022)

ORDER

IN

CRL OP(MD) No.18643 of 2022

Date :19/10/2022

sj i

USK/SBN/SAR- /19.10.2022/3P/8C