



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/10/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.19057 of 2022

Kumaresan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kumbakonam P.E.W.Police Station,
Thanjavur District.
Cr.No.2173/2022.

... Respondent/Complainant

For Petitioner : M/s.Veerapandi P,
Advocate.

For Respondent : Mr.E. Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No. 2173/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 13.10.2022 for the offences punishable under Sections 4(1)(aa) and 4(1-A) of TNP Act, in Crime No.2173 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 02.10.2022 the petitioner was found in possession of 300 numbers of 180 ml Pondicherry Brandy Liquor Bottles illegally and the same has been recovered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 13.10.2022 and hence, he may be granted bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the property has been recovered from the petitioner and he is having 14 previous cases in similar



nature of offence. He would further submit that the investigation in this case is not yet completed and hence, he strongly opposed for grant of bail to the petitioner.

6. Considering the facts and circumstances of the case and considering the charges levelled against the petitioner and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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 District Munsif Cum Judicial Magistrate, Thiruvidadaimaruthur, Thanjavur 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 pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the Tamil Nadu Mediation and Conciliation Centre attached to this Court without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

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

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

(v) the petitioner 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 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/-

27/10/2022

/ TRUE COPY /

27/10/2022

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



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
SUB JAIL, THIRUVIDAIMARUTHUR,
THANJAVUR DISTRICT.

4 THE INSPECTOR OF POLICE,
KUMBAKONAM P.E.W.POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO:

THE CO-ORDINATOR
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.19057 of 2022

Date :27/10/2022

TRP
SA/VR/SAR. /27.10.2022/3P/7C