



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/10/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.19155 of 2022

1.Vargesh @ Vedigundu Albart

2.Prasanth

3.Allamin ... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by
The Inspector of Police,
PEW Thuckalay Police Station,
Kanyakumari District.
Crime No.570 of 2022

... Respondent/Complainant

For Petitioners : M/s.Cenil G, Advocate.

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

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

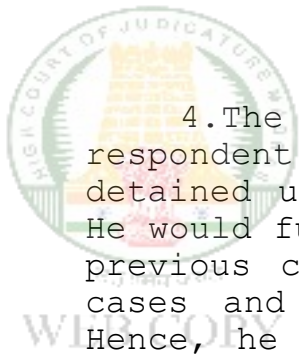
PRAYER :- For Bail in Crime No.570/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 3, who was arrested and remanded to judicial custody on 27.08.2022 for the offences punishable under Sections 6 and 7 of Tamil Nadu Recitified Sprit Rules 2000, Section 4(1)(aaa) and 14A of Tamil Nadu Prohibition Act and Section 420, 468 and 471 of IPC, 1860, in Crime No.570 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of liquor bottles, duplicate labels and bottle cap making machine. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as mentioned in the FIR and they are in judicial custody from 27.08.2022. Hence, they may be granted bail.



4.The learned Additional Public Prosecutor appearing before the respondent police would submit that the third petitioner has been detained under Act 14 of 1982 in P.D.No.68/2022, dated 27.10.2022. He would further submit that the first petitioner is having thirteen previous cases and the second petitioner is having three previous cases and the investigation in this case is not yet completed. Hence, he strongly opposed for grant of bail to the petitioners 1 and 2.

5.Considering the submission made by the learned Additional Public Prosecutor that the third petitioner has been detained under Act 14 of 1982, this Criminal Original Petition is dismissed insofar as the third petitioner.

6. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners 1 and 2 on certain conditions.

7.Accordingly, this Criminal Original Petition is allowed insofar as the first and second petitioners and the first and second petitioners 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, Kulithurai.

(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 and second petitioners shall report before the concerned trial Court on all working days daily at 10.30 a.m., until further orders;

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

iv)the first and second 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 first and second petitioners in accordance with law as if the conditions have been imposed and the first and second 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/-

28/10/2022

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28/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
KULITHURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE OFFICER INCHARGE
SUB JAIL, KULITHURAI.

4 THE INSPECTOR OF POLICE,
PEW THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.CENIL G Advocate SR.No.12055

ORDER

IN

CRL OP(MD) No.19155 of 2022

Date :28/10/2022

CP

SA/VR/SAR. /28.10.2022/3P/7C