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CRL OP(MD). N



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

Date : 04/11/2022

PRESENT

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

CRL OP(MD) . No.19540 of 2022

Perumal ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
Crime No. 864/2022. ... Respondent/Complainant

For Petitioner : M/s.Karnan G, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

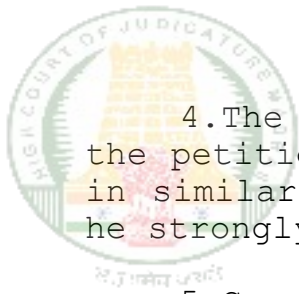
For Bail in Crime No. 864 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 14.10.2022 for the offences punishable under Sections 4(1)(a), 4(1)(i) r/w. 4(1-A) of TNP Act , in crime No.862 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that during the time of surprise check by the respondent police, the petitioner herein is found in possession of 13 bottles of liquor (each contain 180 ml) worth about Rs.1,220/- and the same has been recovered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent 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 14.10.2022 and hence, he may be granted



4.The learned Government Advocate (Crl. Side) would submit that the petitioner is sole accused and he is having five previous cases in similar nature and the investigation of the case is pending and he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the property was recovered and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.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, Orathanadu, 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 appear before the respondent police daily at 10.30 a.m., until further orders;

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

(iv)the petitioner 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 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].

(vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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04/11/2022

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

TO

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

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

3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.



4 THE INSPECTOR OF POLICE, PAPPANADU POLICE STATION,
THANJAVUR DISTRICT.

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

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+1 CC to M/s.G.KARNAN, Advocate (SR-12416[I] dated 04/11/2022)

ORDER

IN

CRL OP(MD) No.19540 of 2022

Date :04/11/2022

TRP

RS/SBN/SAR. (04.11.2022) 3P-7C