



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19786 of 2022

1. Edwin
2. Manikandan
3. Arunachaleswaran @ Manickam ... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
Crime No.455 of 2022. ... Respondent/Complainant

For Petitioners : M/s.Veerapandi P, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

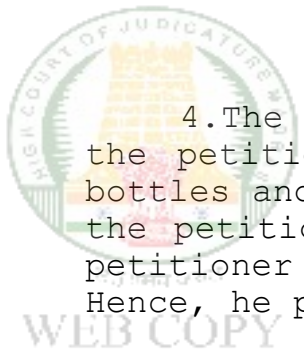
For Bail in Crime No.455 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested and remanded to judicial custody on 18.10.2022 for the offences punishable under Sections 4(1-A) of TNP Act, in crime No.455 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that when the respondent police was on patrol duty, they found that the petitioners were in possession of 64 numbers of 180ml brandy bottles and 10 empty bottles 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 and they are in judicial custody from 18.10.2022. Hence, he prays for bail.



4.The learned Additional Public Prosecutor would submit that the petitioners were in possession of 64 numbers of 180ml brandy bottles and 10 empty bottles illegally. He would further submit that the petitioners 1 and 2 are having no previous case and the third petitioner is having 12 previous cases, which are similar in nature. Hence, he prayed for dismissal of this petition.

5.Since the third petitioner is having 12 previous cases, which are similar in nature, this Court is not inclined to grant bail to the third petitioner and this petition is dismissed as against the third petitioner is concerned.

6.Considering the submissions made by the learned counsel on either side and also considering the period of incarceration and also the fact that the petitioners 1 and 2 are not having any bad antecedents, this Court is inclined to grant bail to the petitioners 1 and 2 on certain conditions.

7.Accordingly, this Criminal Original Petition is partly allowed and the petitioners 1 and 2 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 Court, Sankarankovil, Tenkasi 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 petitioners 1 and 2 shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioners 1 and 2 shall not tamper with evidence or witness;

(iv)the petitioners 1 and 2 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 petitioners 1 and 2 in accordance with law as if the conditions have been imposed and the petitioners 1 and 2 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/-

09/11/2022

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09/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL, TENKASI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, SANKARANKOVIL, TENKASI DISTRICT.

4 THE INSPECTOR OF POLICE, SANKARANKOVIL TOWN POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-12690[I] dated 09/11/2022)

ORDER

IN

CRL OP(MD) No.19786 of 2022

Date :09/11/2022

SJI

RS/VR/SAR.(09.11.2022) 3P-7C