



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/11/2022

PRESENT

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

CRL OP(MD). No.20120 of 2022

1. Muthukumar
2. Silambarasan

... Petitioners/Accused No.1 & 3

Vs

State Rep.by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
(Crime No.1592 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karunakaran K M, Advocate.
For Respondent : Mr.E.Anotony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1592 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 31.10.2022 for the offences punishable under Section 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, in crime No.1592 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners and other accused have illegally found in possession of 66 bottles of liquor (each contain 180ml) worth about Rs.10,000/- and the same was recovered. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been false implicated in this case. He would further submit that the petitioners are in judicial custody from 31.10.2022, hence they may be granted bail.

<https://www.mhcn.gov.in/judis>



4.The learned Additional Public Prosecutor would submit that the property was recovered and the co-accused viz. A2 and A4 have already been released on bail by the court below. He would further submit that the investigation of the case is pending and strongly opposed to grant bail to the petitioners.

5.Considering the submissions made by the learned counsel on either side and also considering the fact that co-accused have already released on bail and the period of incarceration, this Court is inclined to grant bail to the petitioners on certain 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 District Munsif - cum - Judicial Magistrate, Papanasam.

(i) the petitioners are directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the Headmaster, Panchayat Union Primary School, Othakadai, Madurai East, **(Account No:-10111536270, IFSC Code:- SBIN0002246, State Bank of India, Othakadai, Madurai)** without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii) 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;

(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].

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

sd/-

14/11/2022

/ TRUE COPY /

14/11/2022

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



TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PAPANASAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE, SUB JAIL, PAPANASAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMASTER,
PANCHAYAT UNION PRIMARY SCHOOL,
OTHAKADAI,
MADURAI EAST,
MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-12913[I] dated
14/11/2022)

ORDER
IN
CRL OP(MD) No.20120 of 2022
Date :14/11/2022

TRP
RS/VR/SAR.3(14.11.2022) 3P-8C