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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2022

PRESENT

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

CRL OP(MD). No.20181 of 2022

Vairasamy ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Cr.No.1296/2022.

... Respondent/Complainant

For Petitioner : M/s.Pitchai Muthu M, 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 Cr.No.1296/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

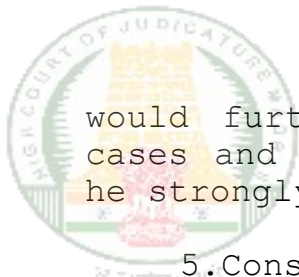
The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 01.11.2022 for the offences punishable under Sections 4(1)(a), 4(1)(i) and 4(1-A) of TN Prohibition Act in Crime No.1296 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 100 numbers of brandy bottles (each containing 180ml). Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he is in judicial custody from 01.11.2022. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the the petitioner was found in illegal possession of 100 numbers of brandy bottles worth about Rs.10,000/- and the same was recovered by the respondent police. He

<https://www.hc.madras.gov.in/>



would further submit that the petitioner is having six cases and the investigation in this case is still pending. Hence, he strongly opposed to grant bail to the petitioner.

5. Considering the nature of the offence and also considering the period of incarceration and also the fact that the property was recovered, this Court is inclined to grant bail to the petitioner subject to the following 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 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 shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950, 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/-

15/11/2022

/ TRUE COPY /

15/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE, ORATHANADU, THANJAVUR DISTRICT.

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

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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

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

COPY TO

THE HEAD MISTRESS,

MDU EAST PU PRIMARY SCHOOL, Y.OTHAKADAI,
MADURAI.

ORDER

IN

CRL OP(MD) No.20181 of 2022

Date :15/11/2022

SJI

RS/TR/SAR.4 (15.11.2022) 3P-7C