



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

Date : 18/11/2022

PRESENT

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

CRL OP(MD). No.20265 of 2022

WEB COPY

Pandiyan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Cholapuram Police Station,
Thanjavur District.
Crime No.703 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Karunakaran K.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 Crime No.703 of 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 25.10.2022 for the offences punishable under Sections 4(1)(a) and 4(1-A) of Tamilnadu Prohibition Act, in Crime No.703 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 133 numbers of 180 ml liquor bottles worth about Rs.20,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 25.10.2022 and hence, he may be released on bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is a habitual offender and he is having 36 previous cases of similar in nature, out of which which, nine cases were disposed of. He would further submit that investigation in this case is still pending. Hence, he strongly opposed for grant of bail to the petitioner.



5. Considering facts and circumstances of the case 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 Judicial Magistrate, Thiruvudaimaruthur.

(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 is directed to pay a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government Rajaji Hospital, Madurai (Indian Bank, Tallakulam (233) Branch, CIF No:30418657357, IFSC Code: IDIB000T003, MICR Code: 625019008, A/c No:7097546149) for the purpose of constructing Cancer Institute,** 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/-

18/11/2022

/ TRUE COPY /

18/11/2022

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

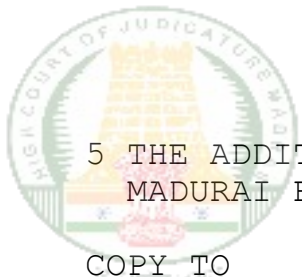
To

1 THE JUDICIAL MAGISTRATE, THIRUVIDAIMARUTHUR.

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

3 THE OFFICER INCHARGE, SUB JAIL, KUMBAKONAM.

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



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

COPY TO

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL, MADURAI.
(FOR THE PURPOSE OF CONSTRUCTING CANCER INSTITUTE)

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-13251[I] dated
18/11/2022)

ORDER

IN

CRL OP(MD) No.20265 of 2022

Date :18/11/2022

CP

RS/VR/SAR.(18.11.2022) 3P-8C