



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2022

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PRESENT

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

CRL OP(MD). No.20532 of 2022

Arunachaleswaran @ Manickam

... Petitioners/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
(Crime No.455 of 2022).

... Respondent/Complainant

For Petitioner : 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 :-

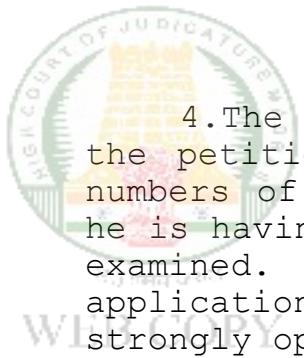
For Bail in Crime No.455 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2.The case of the prosecution is that when the respondent police was on patrol duty, they found that the petitioner along with other accused were in possession of 64 numbers of 180ml brandy bottles and 10 empty bottles illegally. Hence, the complaint.

3.The learned counsel for the petitioner would submit that earlier the petitioner along with A1 and A2 have moved bail application before this Court in CrI.O.P.(MD)No.19786 of 2022 and this Court dismissed the petition as against the present petitioner/A3 is concerned and allowed the petition in respect of A1 and A2 are concerned on 09.11.2022. He would further submit that this is the petitioner's second bail application and he is in judicial custody from 18.10.2022, hence he may be released on bail.



4.The learned Additional Public Prosecutor would submit at the petitioner along with other accused were in possession of 64 numbers of 180ml brandy bottles and 10 empty bottles illegally and he is having 12 similar previous cases and three witnesses have been examined. He would further submit that the petitioner's earlier application was dismissed by this Court, dated 09.11.2022. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the co-accused were already released on bail and three witnesses have already been examined, 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 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 petitioner shall report 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].

sd/-

21/11/2022

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21/11/2022

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.



CRL OP(MD). N



22

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

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-13377[I] dated 21/11/2022)

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ORDER

IN

CRL OP (MD) No.20532 of 2022

Date :21/11/2022

SJI

RS/VR/SAR.2 (21.11.2022) 3P-7C