



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.21080 of 2022

Boopathy

... Petitioner/Accused No.3

Vs

The State Rep.by
The Inspector of Police,
PEW-Melur Police Station,
Madurai District.
Crime No.781 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Suyambulinga Bharathi K,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

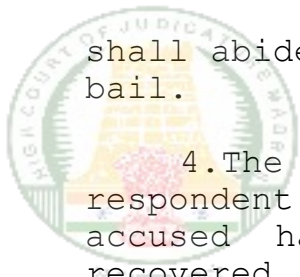
PRAYER :-For Bail in Crime No.781 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 10.11.2022 for the offences punishable under Sections 420, 465, 468 and 471 IPC and Sections 4(1-A) and 4(1)(aaa) of TNP Act r/w 5 and 6 of Rectified Spirit Rules, 2000 in Crime No.781 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with A1 and A2 attempted to manufacture spurious liquor at Gnanammal grove situated at Iyanpandangudi, Kottampatti, without knowledge of the said Gnanammal. As per the instructions of A2, A1 and A3 have prepared the required raw materials, chemicals, machineries etc and the same were recovered by the respondent police. Hence, the complaint.

3.The learned counsel for the petitioner would submit that based on the confession statement of the co-accused, the petitioner has been arrayed as accused in this case. He would further submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner



shall abide any condition imposed by this Court. Hence, he j or bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner along with other accused have manufactured spurious liquor and the same were recovered. eight witnesses have been examined and the investigation is still pending. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that eight witnesses have 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, Melur and on further conditions that:

(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 deposit a sum of **Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.781 of 2022 before the learned Judicial Magistrate, Melur,** within a period of three weeks, without prejudice to his rights and contentions, failing which, the bail granted to the petitioner shall stand automatically cancelled;

(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/-
29/11/2022

/ TRUE COPY /

29/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
MELUR.

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

3 THE OFFICER INCHARGE,
SUB JAIL, MELUR.

4 THE INSPECTOR OF POLICE
PEW-MELUR POLICE STATION, MADURAI DISTRICT.

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

+1. CC to Mr.S.RAMASAMY, Advocate SR.No.58184(F)

ORDER
IN
CRL OP(MD) No.21080 of 2022
Date :29/11/2022

SJI
MK/VR/29.11.2022/3P/7C