



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

Date : 24/11/2022

PRESENT

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

CRL OP(MD). No.20827 of 2022

Archunan,

... Petitioner/Accused

Vs

The State rep. By
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Crime No.1328/2022.

... Respondent/Complainant

For Petitioner : M/s.Ezhilarasu C,
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.1328/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 10.11.2022 for the offences punishable under Sections 4 (1)(a) and 4(1-A) of TNP Act, in Crime No.1328 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 18 numbers of TASMAL 180 ml brandy liquor bottles and the same was recovered. 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 10.11.2022. He would further submit that the co-accused were already released on bail by the lower Court. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner and other accused were found in illegal possession of 18 numbers of TASMAL 180 ml brandy liquor bottles worth about Rs.3,240/- and the same was recovered. He would further submit that the petitioner is having two



previous cases, which are similar in nature. Hence, he 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 arrested and released on bail, this Court is inclined to grant bail to the petitioner with 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, Orathanadu 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.1,000/- (Rupees One Thousand only) to the credit of Women Advocates Association, Madurai Bench of Madras High Court (Account No:- 770357420, IFSC Code:- IDIB000H040, Indian Bank)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(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/-
24/11/2022

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24/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. The Judicial Magistrate, Orathanadu.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District.
3. The Superintendent, Sub Jail,
Pabanasam, Thanjavur.
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 Officer Incharge,
The Women Advocates Association,
Madurai Bench of Madras High Court
madurai.

+1. CC to M/S.EZHILARASU C Advocate SR.No.13621

CRL OP(MD) No.20827 of 2022
Date :24/11/2022

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