



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

Date : 05/01/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.91 of 2023

Alexander

... Petitioner/Accused

Vs

The State Rep. by,
The Inspector of Police,
Pew, Police Station,
Thanjavur
(Cr.No.2739 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Durai Pandian K.S.,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.2739 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 23.11.2022 for the offences punishable under Sections 4 (1) (a) and 4(1-A) of TNP Act in Crime No.2739 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 28 numbers of TASMAL (each containing 180ml) brandy liquor bottles. Hence the case.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would further submit that without prejudice, petitioner is prepared to deposit a sum of Rs.20,000/- to the Government for any welfare purpose and he prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in illegal possession of 28 numbers of TASMAL (each containing 180ml) brandy liquor bottles and he is having four previous cases. Hence, he vehemently opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the FIR.

6.Considering the facts and circumstances of the case and without prejudice, petitioner is undertaking to deposit a sum of Rs.20,000/- to the Government for any welfare purpose, this Court is inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail on his 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 learned Judicial Magistrate, Thiruvaiyaru, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the Madurai Bench High Court Advocates Association (MBHAA), A/c No.496038755, IFSC Code - IDB000H040, Indian Bank, Madurai Bench of Madras High Court, Madurai, for the purpose of purchasing E-Journal and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/01/2023

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/ TRUE COPY /

05/01/2023

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

SJI

TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER-INCHARGE,
SUB-JAIL, THANJAVUR.
4. THE INSPECTOR OF POLICE,
PEW, POLICE STATION, THANJAVUR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
MADURAI BENCH HIGH COURT ADVOCATES ASSOCIATION (MBHAA),
MADURAI.

ORDER
IN
CRL OP(MD) No.91 of 2023
Date : 05/01/2023

USK/VR/SAR- /05.01.2023/3P/7C