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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2023

PRESENT

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

CRL OP(MD). No.688 of 2023

1. Marimuthu
2. Muthukumar

... Petitioners/Accused 2 & 3

Vs

The state rep.by
The Inspector of Police,
PEW Alangudi Police Station,
Pudukottai District.
Crime No.1166/2022.

... Respondent/Complainant

For Petitioner : M/s.Jegadeeswaran.R,
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.1166 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who was arrested and remanded to judicial custody on 21.12.2022 for the offence punishable under Sections 4(1)(a), 4(1)(g) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.1166 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with A1 were found in illegal possession of 9 litres of ID Arrack (each containing 180 ml in 50 plastic containers). Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. Hence, he seeks for bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with A1 were found in illegal possession of 23 litres of ID Arrack and as far as the first petitioner is concerned, he has got three previous cases of similar in nature and the second petitioner is concerned, he has got four previous cases. He would further submit that the investigation is pending and he would oppose for grant of bail.

5. At this juncture, the learned counsel for the petitioners would submit that the second petitioner is a handicapped person, without prejudice to their defence, the petitioners are ready and willing to deposit a sum of Rs.25,000/- each to any welfare scheme.

6. Heard. Perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

8. Accordingly, the petitioners shall make a donation/non-refundable deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of **Women Advocates Association, Madurai Bench of Madras High Court (Account No:6477041768, IFSC Code:- IDIB00H040, Indian Bank, High Court Branch, Madurai)** for the purpose of maintaining creche without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the trial Court. However, it is made clear that the deposit being made by the petitioners, would not amount of admission of guilt by him.

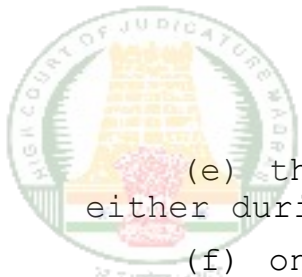
9. On production of proof of such receipt/acknowledgement, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate Court, Alangudi, Pudukottai District, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioners shall not commit any offences of similar nature;

(d) the petitioners shall not abscond either during investigation or trial;



(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/01/2023

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11/01/2023

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

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ALANGUDI, PUDUKOTTAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
- 4 THE INSPECTOR OF POLICE
PEW ALANGUDI POLICE STATION, PUDUKOTTAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT

+1 CC to M/s.JEGADEESWARAN.R, Advocate (SR-542[I] dated
11/01/2023)

ORDER

IN

CRL OP(MD) No.688 of 2023

Date :11/01/2023

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MK/SSS/SAR (11.01.2023) 3P 8C

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