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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/02/2023

PRESENT

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

CRL OP(MD) . No.1906 of 2023

P.Muniyandi

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thanjavur PEW Police Station,
Thanjavur District.
(Crime No.116/2023).

... Respondent/Complainant

For Petitioner : M/s.Dhilipan Pandian R L,
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.116/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 15.01.2023 for the offence punishable under Sections 4(1)(a), 4(1-A) of TNP Act in Crime No.116 of 2023 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 16 numbers of TASMAL (each containing 180ml) brandy liquor bottles. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was only holding the bottles for his personal consumption. He would further submit that the petitioner is in judicial custody from 15.01.2023, hence he seeks bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in illegal possession of 16 numbers of TASMAL (each containing 180ml) brandy liquor bottles. Hence, he vehemently opposed to grant bail to the petitioner. He would further submit that the petitioner has got eight previous cases and out of which in four cases he was convicted.

5.In reply the learned counsel for the petitioner would submit that for the past two years no cases have been registered against him and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and without prejudice to his defence he is also ready to make a donation of Rs.10,000/- for any welfare scheme of the Government. Hence he seeks bail.

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 and also voluntarily offer made by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.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 No.I, Thanjavur 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.10,000/- (Rupees Ten Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the **credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040)**, and shall produce the receipt before the concerned Magistrate at the time of executing the bond; However, it is made clear that the deposit being made by the petitioner, would not amount of admission of guilt by him.

[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 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/-

01/02/2023

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01/02/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR, THANJAVUR DISTRICT.
- 4 THE INSPECTOR OF POLICE, THANJAVUR PEW POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE
ADVOCATE CLERKS WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.1906 of 2023

Date :01/02/2023

RS/SSS/SAR.(01.02.2023) 3P-7C