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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 10/02/2023  
PRESENT

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

CRL OP(MD) . No.2701 of 2023

Marimuthu

... Petitioner/Sole Accused

**Vs**

The State rep.by  
The Inspector of Police,  
Thanjavur PEW Police Station,  
Thanjavur District  
(Crime No.50 of 2023).

... Respondent/Complainant

For Petitioner : M/s.SAMY.K.K,  
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,  
Additional Public Prosecutor

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

**PRAYER :-** For Bail in Crime No.50 of 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 05.01.2023 for the offence punishable under Sections 4(1)(a), 4(1-A) of TNP Act in Crime No.50 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 19 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 innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 05.01.2023, 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 19 numbers of TASMAL (each containing 180ml) brandy liquor bottles and he is having eight similar previous cases, out of which he was convicted in four cases. Hence, he vehemently opposed to grant bail to the petitioner.



5. In reply the learned counsel for the petitioner would submit that 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.30,000/- for any welfare scheme of the Government and he has also filed a memo to that effect. 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.30,000/- (Rupees Thirty Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to "The Dean/Medical Officer, Thanjavur Medical College & Hospital, Thanjavur" and produce the receipt/acknowledgement before the trial Court at the time of executing 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 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/-

10/02/2023

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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.

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 DEAN/MEDICAL OFFICER,  
THANJAVUR MEDICAL COLLEGE & HOSPITAL, THANJAVUR.

**+1 cc to Mr.K.K.SAMY, Advocate, SR.No.2186 Date:13/02/2023**

**ORDER**

**IN**

CRL OP(MD) No.2701 of 2023

Date :10/02/2023

SA/SAR. /10.02.2023/3P/7C