



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/02/2023
PRESENT

WEB COPY

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

CRL OP(MD).No.3163 of 2023

Ramesh

... Petitioner/Accused (Sole)

Vs.

The State rep. by
The Inspector of Police,
PEW - Thanjavur,
Thanjavur District
(Crime No. 151 of 2023).

... Respondent/Complainant

For Petitioner : Mr.R.L.DILIPAN PANDIAN, Advocate

For Respondent : Mr.K.SANJAI GANDHI
Government Advocate (Crl.side)

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

PRAYER :- For Bail in Crime No.151 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 21.01.2023 for the offence punishable under Sections 4(1)(a), 4(1-A) of TNP Act in Crime No.151 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused is said to have in illegal possession of Directors Club Brandy 180 ml -41, 375 ml - 08, 750 ml - 01. Hence, the complaint.

3. The learned counsel 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 this is second bail application and the earlier application for bail was dismissed on the ground that the petitioner is having 14 previous cases and that the petitioner was arrested very recently. He would further submit that as on today, the petitioner is in judicial custody for more than 24 days and all the previous cases have been disposed of. He would also submit that without prejudice to his rights and contentions, the petitioner is ready to deposit Rs.15,000/- (Rupees Fifteen Thousand Only) in favour of the Dean, Thanjavur Government Hospital, Thanjavur, as non refundable payment. He would seek bail.



4.The learned Government Advocate (Crl.side) appearing for the respondent would submit this is second bail application and earlier application was dismissed by this Court on 02.02.2023 on the ground that the petitioner was having 14 previous cases. He would concede that now all the previous cases are disposed of. However, he would oppose for grant of bail to the petitioner.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made on either side and considering the fact that the petitioner is undergoing incarceration from 21.01.2023, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] the petitioner shall deposit Rs.15,000/- (Rupees Fifteen Thousand Only) to the account of the Dean, Thanjavur Government Hospital, Thanjavur; the proof for payment shall be produced before the concerned court at the time of furnishing sureties.

[b] On production of such receipt/acknowledgement, the petitioner is ordered to be released on bail on condition to execute 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 No.II, Thanjavur District, and on further conditions that:

[c] 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;

[d] the petitioner shall appear before the respondent police every day at 10.30 a.m. until further orders;

[e] the petitioner shall not commit any offences of similar nature;

[f] the petitioner shall not abscond either during investigation or trial;

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[h] on breach of any of the aforesaid conditions, the learned Judicial 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];



[i] if the accused thereafter abscond, a fresh FIF registered under Section 229A IPC.

sd/-

16/02/2023

/ TRUE COPY /

16/02/2023

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

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TO

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

COPY TO:

THE DEAN,
THANJAVUR GOVERNMENT HOSPITAL,
THANJAVUR DISTRICT.

ORDER

IN

CRL OP(MD) No.3163 of 2023

Date :16/02/2023

SA/SSS/SAR. /16.02.2023/3P/7C