



WEB COPY

CRL OP(MD).



23

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

Date : 20/02/2023

PRESENT

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

CRL OP(MD) . No.3123 of 2023

Kalimuthu

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Pew Pattukottai,
Thanjavur District.
Crime No. 197 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Pitchai Muthu.M,
Advocate.

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

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

PRAYER :-

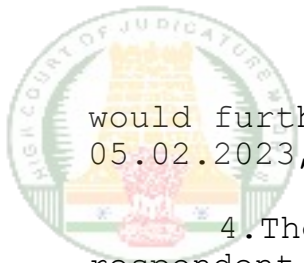
For Bail in Crime No. 197 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 05.02.2023 for the offences punishable under Sections 4 (1)(a), 4(1)(i), 4(1)(h) and 4(1-A) of TNP Act in Crime No.197 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 20 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
<https://www.mhc.tn.gov.in/judis>



would further submit that the petitioner is in judicial custody since 05.02.2023, 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 20 numbers of TASMAL (each containing 180ml) brandy liquor bottles and he is having 2 previous 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 for a sum 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 FIR.

7. Considering the facts and circumstances of the case and also considering the period of incarceration and also voluntarily offer made by the petitioner, this Court is inclined to grant bail to the petitioner.

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, Orathanadu, Thanjavur District and on further conditions that :-

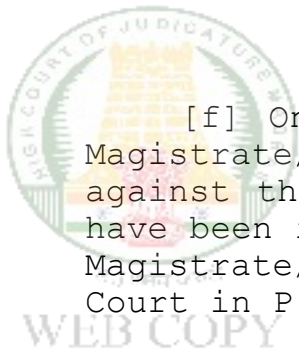
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of Head Master, Panchayat Union Middle School, Uthangudi, Madurai (Indian Bank, **Current Account No.7181398412, IFSC IDIB0000027**) 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 witness either during investigation or trial.



[f] On breach of any of the aforesaid conditions, the 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/-
20/02/2023

/ TRUE COPY /

20/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.The Judicial Magistrate,
Orathanadu, Thanjavur District.
- 2.-Do- through the Chief Judicial Magistrate,
Thanjavur at Kumbakonam.
3. The Superintendent,
Central Prison, Trichy.
4. The Inspector of Police,
Pew Pattukottai, Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Head Master,
Panchayat Union Middle school,
Uthangudi, Madurai.

ORDER
IN
CRL OP(MD) No.3123 of 2023
Date :20/02/2023