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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/03/2023
PRESENT

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

CRL OP(MD) . No.4041 of 2023

Manikandan

... Petitioner/Accused No.1

Vs

The State rep.by
The Sub Inspector of Police,
Prohibition Enforcement Wing,
PEW Pattukottai, Pattukottai,
Thanjavur District.
(Crime No.183 of 2023).

... Respondent/Complainant

For Petitioner : Mr.RAMESH MAHADEV, 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.183 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 29.01.2023, for the offence punishable under Sections 4(1)(a), 4(1-A) of TNP Act, in Crime No. 183 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.01.2023, the petitioner was found in illegal possession of 32 - 180 ML brandy bottles. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and falsely implicated in this case, for statistical purpose. The petitioner is in custody from 29.01.2023. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having 1 previous case to his credit. The petitioner was found in illegal possession of liquor. Hence, he would object to release the petitioner on bail.

<https://www.mhc.tn.gov.in/judis>



5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration undergone by the petitioner from 29.01.2023, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, 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 **District Munsif cum Judicial Magistrate, Peravurani**, and on further conditions that:

(b) 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;

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

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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]**;

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

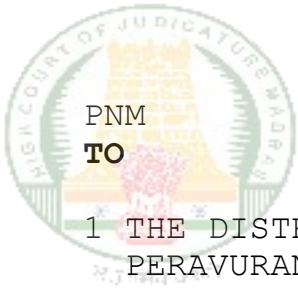
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02/03/2023

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02/03/2023

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



PNM
TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAVURANI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT,
CENTRAL PRISON, THANJAVUR.

4 THE SUB INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
PEW PATTUKOTTAI, PATTUKOTTAI,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+3. CC to M/S.RAMESH MAHADEV Advocate SR.No.3176

**ORDER
IN**

CRL OP(MD) No.4041 of 2023
Date :02/03/2023

SA/SBN/SAR. /02.03.2023/3P/9C