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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/02/2023
PRESENT

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

CRL OP(MD) . No.3292 of 2023

Pandiyan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District
(Crime No.83 of 2023).

... Respondent/Complainant

For Petitioner : Mr.JAMEEL ARASU.B,
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.83 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 02.02.2023 for the offence punishable under Sections 4(1)(a) and 4(1-A) of TNP Act in Crime No.83 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 101 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 is in judicial custody from 02.02.2023, 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 101 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 at twelve previous cases.

5. At this juncture, the learned counsel for the petitioner would submit that without prejudice to his defence, the petitioner is ready and willing to deposit a sum of Rs.36,000/- (Rupees Thirty Six Thousand only) for any welfare scheme of the Government.

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, 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 Judicial Magistrate No.I, Kumbakonam, Thanjavur District, and on further conditions that:

(b) the petitioner shall deposit a sum of Rs.36,000/- (Rupees Thirty Six Thousand only) as non refundable deposit by way of RTGS/NEFT to the Madurai Bench of Madras High Court Bar Association (MMBA), Indian Bank A/c No.496035460, Madurai and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond;

(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 report before the respondent police daily 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 FIR can be registered under Section 229A IPC.

sd/-

21/02/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
KUMBAKKONAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKKONAM.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE,
KUMBAKKONAM WEST POLICE STATION,
THANJAVUR DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
MADURAI BENCH OF MADRAS HIGH COURT BAR ASSOCIATION (MMBA),
MADURAI.

ORDER

IN

CRL OP(MD) No.3292 of 2023

Date :21/02/2023

SA/SBN/SAR. /21.02.2023/3P/7C