



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/02/2023

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PRESENT

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

CRL OP(MD) . No.3303 of 2023

V.Murugaiyan,

... Petitioner/Sole Accused

Vs

State Rep.by
The Sub Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Crime No.109 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Alagia Nambi R, Advocate.

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

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

PRAYER :-

For Bail in Cr.No.109 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 04.02.2023 for the offence punishable under Sections 4(1)(aa) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.109 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 3 black Pearl Beer bottles (each containing 750ml), 108 bottles of Golden Choice brandy bottles (each containing 180ml), 38 bottles of Diamond Rum (each containing 180ml) and 23 bottles of Sea Mens brandy (each containing 180ml). 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 04.02.2023, 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 3 black Pearl Beer bottles (each containing 750ml), 108 bottles of Golden Choice brandy bottles (each containing 180ml), 38 bottles of Diamond Rum (each containing 180ml) and 23 bottles of Sea Mens brandy (each containing 180ml). Hence, he vehemently opposed to grant bail to the petitioner. He would further submit that the petitioner has got three previous cases of similar in nature.

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.24,000/- (Rupees Twenty Four 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, Orathanadu, and on further conditions that:

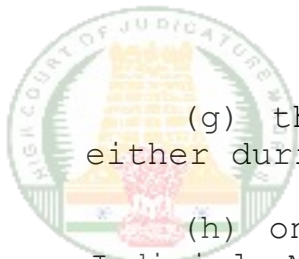
(b)the petitioner shall deposit a sum of Rs.24,000/- (Rupees Twenty Four Thousand only) as non refundable deposit by way of RTGS/NEFT to the Madurai Bench of Madras High Court Bar Association (MMBA), Indian Bank A/c No.496035460, Madurai and that the receipt of such deposit shall be produced before the 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 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

/ TRUE COPY /

21/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

- 1 THE JUDICIAL MAGISTRATE,
ORATHANADU.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT @ KUMBAKONAM
- 3 THE OFFICER INCHARGE
DISTRICT PRISON, THANAVUR
- 4 THE SUB INSPECTOR OF POLICE
ORATHANADU 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 BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ALAGIA NAMBI, Advocate (SR-2558[I] dated 21/02/2023)
ORDER
IN
CRL OP(MD) No.3303 of 2023
Date :21/02/2023

PKP/BUC/SAR- /21.02.2023/3P/8C

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