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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.3343 of 2023

Ananth @ Anantha Raja, ... Petitioner/Accused Rank Not Known

Vs

State Rep.by

The Inspector of Police,

Pew Police Station,

Sivagangai District.

In Crime No.178 of 2023. ... Respondent/Complainant

For Petitioner : M/s.Balasubramanian.N,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.178 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 09.02.2023 for the offence punishable under Sections 4(1) (aaa) and 4(1-A) of TNP Act and Sections 420, 468 and 471 IPC in Crime No.178 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 502 bottles (each containing 180ml) of Honey Bee Sticker affixed and 37 bottles (each containing 180ml) of Mens Club sticker affixed. 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 based on the confession of A1 and the



recovery is also from A1. He would further submit the petitioner is in judicial custody from 09.02.2023, 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 502 bottles (each containing 180ml) of Honey Bee Sticker affixed and 37 bottles (each containing 180ml) of Mens Club sticker affixed. Hence, he vehemently opposed to grant bail to the petitioner. He would further submit that the petitioner has got no previous case.

5.Heard. Perused the materials available on record including the First Information Report.

6.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.II, Sivagangai, and on further conditions that:

[b] 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.

[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 absconds, a fresh FII 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 NO.II,
SIVAGANGAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE
SUB JAIL, SIVAGANGAI.
- 4 THE INSPECTOR OF POLICE
PEW POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-2593[I] dated
21/02/2023)

ORDER
IN
CRL OP(MD) No.3343 of 2023
Date :21/02/2023

PKP/BUC/SAR- /21.02.2023/3P/7C