



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.3395 of 2023

WEB COPY

1.Mathiyazhagan
2.Kasinathan

... Petitioners/Accused No.1 & 2

-VS-

The State represented by
The Inspector of Police,
Cholapuram Police Station,
Thanjavur District.
(in Cr.No.41 of 2023)

... Respondent/Complainant

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

PRAYER :- For Bail in Crime No.41 of 2023 on the file of the
Respondent Police.

For Petitioners	: Mr.R.Alagumani, Advocate
For Respondent	: Mr.T.Senthil Kumar Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.01.2023 for the offences punishable under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.41 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution, as per the de-facto complainant, is that the accused persons were found to be in illegal possession of 176 liquor bottles and hence, the case.

3.The learned Counsel appearing for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would further submit that the petitioners have not committed any offence, as alleged by the prosecution. He would also submit that the petitioners are ready to abide by any stringent conditions that may be imposed on them. Hence, he would seek for bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the accused persons were found to be in illegal possession of 176 liquor bottles and hence, he would object for bail to the petitioners.



5. Heard. Perused the materials available on record.

6. Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioners are in judicial custody from 16.01.2023, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate Court, Thiruvidadaimaruthur, Thanjavur District, 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

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

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

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

sd/-

22/02/2023

/ TRUE COPY /

22/02/2023

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

CMR

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
TIRUVIDADAIMARUTHUR, THANJAVUR DISTRICT.

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



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

3 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR DISTRICT.

4 THE INSPECTOR OF POLICE,
CHOLAPURAM POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP (MD) No.3395 of 2023

Date :22/02/2023

SA/BUC/SAR. /22.02.2023/3P/6C