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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/02/2023

PRESENT

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

CRL OP(MD) . No.3578 of 2023

S.Nari @ Raja

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thirukkattupalli Police Station,
Thanjavur District.
Crime No.40 of 2023.

... Respondent/Complainant

For Petitioner : Mr.Dhilipan Pandian.R.L.

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

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

PRAYER :-

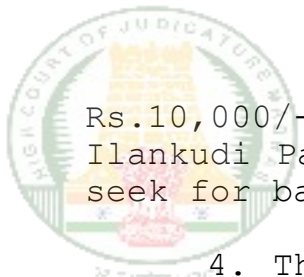
For Bail in Crime No.40 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 31.01.2023 for the offence punishable under Sections 4(1)(a) and 4(1-A) of TNP Act in Crime No.40 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner was found in illegal possession of 11 numbers of TASMAL 180 ML 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 and he has been in judicial custody from 31.01.2023. He would submit that he is ready to deposit



Rs.10,000/- to the Ilankudi Panchyat Elementary Middle School, Ilankudi Panchayat, Devakottai Union, Sivagangai District. He would seek for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in possession of 11 numbers of TASMAL 180 ML brandy liquor bottles and he is having 3 previous cases and he would object for grant of bail.

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 **Judicial Magistrate, Thiruvaiyaru, Thanjavur District**, by producing the proof for deposit of Rs.10,000/- to the Ilankudi Panchayat Elementary Middle School, Ilankudi Panchayat, Devakottai Union, Sivagangai District 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 Station 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].



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[h] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-
27/02/2023

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

CM

TO

1. The Superintendent, Sub Jail, Thanjavur, Thanjavur District.
2. The Judicial Magistrate, Thiruvaiyaru, Thanjavur District.
3. Do through the Chief Judicial Magistrate,
Thanjavur District.
4. The Inspector of Police,
Thirukkattupalli Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Headmaster/Headmistress,
Ilankudi Panchayat Elementary Middle School,
Ilankudi Panchayat,
Devakottai Union,
Sivagangai District.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-2938[I] dated
27/02/2023)

ORDER
IN
CRL OP(MD) No.3578 of 2023
Date : 27/02/2023

NA/BUC/SAR/28.02.2023/3P/8C

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