



WEB COPY

CRL.O.P(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.3441 of 2023

Kamaraj

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
PEW Pattukottai Police Station,
Thanjavur District.
(in Cr.No.166 of 2023)

...Respondent/Complainant

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

PRAYER :-

For Bail in Crime No.166 of 2023 on the file of the Respondent Police.

For Petitioner : Mr.S.Sivaprakash,Advocate

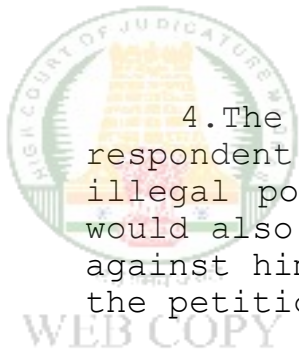
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 25.01.2023 for the offences punishable under Sections 4 (1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.166 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioner was found to be in illegal possession of 36 bottles of liquor each weighing 180 ML and hence, the case.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that the petitioner has not committed any offence as alleged by the prosecution and he is ready to abide by any stringent conditions, that may be imposed on him. Hence, he would seek for bail to the petitioner.



4.The learned Additional Public Prosecutor appearing as the respondent would submit that the petitioner was found to be in illegal possession of 36 bottles each weighing 180 ML liquor. He would also submit that the petitioner has ten previous cases pending against him and hence, he would strongly object for grant of bail to the petitioner.

5.At this juncture, the learned Counsel for the petitioner would submit that the petitioner is volunteer to deposit a sum of Rs.20,000/- to any welfare scheme of the Government. Hence, he would seek for bail to the petitioner.

6.Accordingly, the petitioner shall pay a sum of Rs.20,000/- to the credit of The Dean/Medical Officer, Thanjavur Medical College Hospital, Thanjavur, without prejudice to his rights and contentions before the trial Court.

7.Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9.On production of proof for deposit, 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 Pattukottai, Thanjavur District, and on further conditions that:

(a)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;

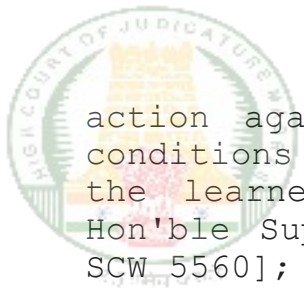
(b)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioner shall not commit any offences of similar nature;

(d)the petitioner shall not abscond either during investigation or trial;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) 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 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];

(g) 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 JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PEW PATTUKOTTAI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE
THANJAVUR SUB JAIL, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DEAN/ MEDICAL OFFICER
THANJAVUR MEDICAL COLLEGE HOSPITAL,
THANJAVUR.

+1 CC to M/s.S.SIVAPRAKASH, Advocate (SR-2682[I] dated 22/02/2023)

ORDER
IN
CRL OP(MD) No.3441 of 2023
Date :22/02/2023