



WEB COPY

CRL OP(MD).

23



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/02/2023
PRESENT

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

CRL OP(MD) . No.3638 of 2023

Amsavalli

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District
(Crime No.84 of 2023).

... Respondent/Complainant

For Petitioner : Mr.KARUNAKARAN.K.M.,

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.84 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 14.02.2023, for the offence punishable under Sections 4(1)(a), 4(1-A) of TNP Act, in Crime No. 84 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Prakash is that on 14.02.2023, the petitioner was found in illegal possession of 20 numbers of TASMAL 180 ml brandy liquor bottles. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and falsely implicated in this case, for statistical purpose. The petitioner is in custody from 14.02.2023. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having 4 previous cases. The petitioner was found in illegal possession of liquor. Hence, he would object to release the petitioner on bail.



5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration undergone by the petitioner from 14.02.2023, 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, Thanjavur**, 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/02/2023

/ TRUE COPY /

24/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



PNM

TO

1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.

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

3 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, TRICHY.

4 THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT

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

+1. CC to M/S.KARUNAKARAN.K.M. Advocate SR.No.2869

ORDER

IN

CRL OP(MD) No.3638 of 2023

Date :24/02/2023

SA/VR/SAR. /24.02.2023/3P/7C