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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2023

PRESENT

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

CRL OP(MD) . No.3789 of 2023

Prabu, ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Prohibition and Enforcement Wing,
Kumbakonam,
Thanjavur District
(Crime No.2837 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Karunanidhi.R, Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

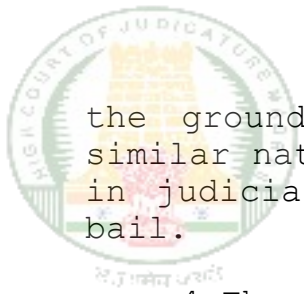
For Bail in Crime No.2837 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 12.12.2022 for the offences punishable under Sections 4 (1)(aa) r/w 4(1-A) of Tamil Nadu Prohibition Act in Crime No.2837 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on receiving the secret information, the respondent police has conducted a vehicle check up and at that time, the petitioner herein was illegally found in possession of 99 bottles of prohibited liquor worth of Rs.35,000/-. Hence, the case.

3.The learned counsel for the petitioner would submit that this is the third application for bail and the earlier application for
[https://www.judh1.tn.gov.in/Cr1.O.P.\(MD\)No.22645](https://www.judh1.tn.gov.in/Cr1.O.P.(MD)No.22645) of 2022 was dismissed on 23.12.2022 on



the ground that the petitioner was having 12 previous similar nature. However, he would also submit that the petitioner is in judicial custody from 12.12.2022 and hence, he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that this is the petitioner's third application for bail and that the earlier application for bail in Crl.O.P.(MD)No.22645 of 2022 was dismissed on 23.12.2022. He would further submit that there is no change of circumstances in this case and hence, 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, 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 Court, Pabanasam, Thanjavur 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 daily at 07.30 P.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 FIR can be registered under Section 229A IPC.

sd/-
28/02/2023

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

SJI
TO

- 1 THE JUDICIAL MAGISTRATE,
PABANASAM, THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PROHIBITION AND ENFORCEMENT WING,
KUMBAKONAM,
THANJAVUR DISTRICT
- 4 THE SUPERINTENDENT,
CENTRAL JAIL, TIRUCHIRAPPALLI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.R.KARUNANITHI, Advocate SR.No.3068(I)DT:01/03/2023
ORDER
IN
CRL OP(MD) No.3789 of 2023
Date :28/02/2023

PKP/SSS/SAR-/28.02.2023/3P/7C