



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

PRESENT

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

CRL.O.P(MD)No.3929 of 2023

Subramanian

...Petitioner / Accused

-vs-

The State represented by
The Sub Inspector of Police,
Munneerpallam Police Station.
(in Cr.No.50 of 2023)

...Respondent / Complainant

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

PRAYER :-For Bail in Crime No.50 of 2023 on the file of the
Respondent Police.

For Petitioner	:	Mr.C.Venkatesh, Advocate.
For Respondent	:	Mr.T.Senthil Kumar Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.02.2023 for the offences punishable under Section 4(1) (i) of Tamil Nadu Prohibition Act and Section 77 of The Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.50 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 unlawful possession of two bottles of liquor with an intend to sell the same to the children. Hence, the complaint.

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. He would also submit that he petitioner has no previous case pending against him and he is ready to abide by any stringent conditions, that may be imposed on him.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found to be unlawful possession of two bottles of liquor with an intend to sell the same to the children. He would strongly oppose to grant bail to the petitioner.



5. In reply, he would also submit that the petitioner is volunteer to deposit a sum of Rs.5,000/- 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.5,000/- to the credit of The Dean/Medical Officer, Government Medical College Hospital, Tirunelveli, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Trial Judge at the time of furnishing sureties.

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 of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 14.02.2023, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) 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 No.V, Tirunelveli, 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 petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the



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(h) if the accused thereafter abscond, a fresh FIF be registered under Section 229A IPC.



sd/-
01/03/2023

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01/03/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
MUNNEERPALLAM POLICE STATION,
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

Copy to:-
The Dean/Medical Officer,
Government Medical College Hospital,
Tirunelveli

ORDER
IN
CRL OP(MD) No.3929 of 2023
Date :01/03/2023

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