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CRL OP(MD).



23

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

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4351 of 2023

Chellabangi

... Petitioner/Sole Accused

Vs

State rep. by,
The Inspector of Police,
Panthanallur Police Station,
Thanjavur District.
Crime No.100 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Karunakaran K.M.,

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.100 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 22.02.2023 for the offence punishable under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.100 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 35 numbers of Pondicherry 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. He would further submit that without prejudice to his defence, the petitioner is ready and willing to

<https://www.mca21.gov.in/judis>



deposit a sum of Rs.5,000/- for any welfare scheme of Government. Hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in illegal possession of 35 numbers of Pondicherry liquor bottles. Hence, he vehemently opposed to grant bail to the petitioner. However, he would also submit that the petitioner has got no previous case.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner by imposing conditions:

6.Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions

[a] the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009 [Indian Overseas Bank, Secretariat Branch, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F], without prejudice to his defence before the trial Court;

[b] On production of such receipt/acknowledgment, the petitioner shall 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, Thiruvudaimaruthur.

(c) 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;

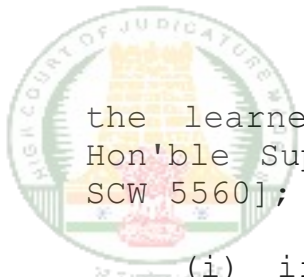
(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

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

(h) 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];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/03/2023
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate, Thiruvidaimaruthur.
2. Do-Through The Chief Judicial Magistrate, Thanjore District.
3. The Superintendent, Special Prison for Women, Tiruvarur.
4. The Inspector of Police, Panthanallur Police Station, Thanjavur District.
5. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

Copy to

The Officer In-Charge,
Chief Minister's Public Relief Fund,
Government of Tamilnadu,
Secretariat,
Chennai - 600 009.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate SR-3503[I] dated 07/03/2023

ORDER
IN
CRL OP(MD) No.4351 of 2023
Date : 07/03/2023