



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/04/2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6857 of 2023

Kalaivannan,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Panthanallur Police Station,
Thanjavur District.
Crime No.148 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Karunanithi.M, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Bail in Crime No.148 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 15.03.2023 for the offences punishable under Sections 4(1)(a), 4(1-A) of TNP Act in Crime No.148 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 16 Nos of 180ml Directors's Club Brandy bottles, hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that the petitioner is in judicial custody from 15.03.2023, hence he may be granted bail.



4. The learned Additional Public Prosecutor would submit that the petitioner is having ten similar previous cases out of which six cases were already disposed of.

5. Considering the above facts and circumstances of the case and also the period of incarceration this Court is inclined to release the petitioner on bail, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 am., for a period of four weeks and thereafter as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/04/2023

/ TRUE COPY /

13/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1 THE JUDICIAL MAGISTRATE,
THIRUVUDAIMARUTHUR.



- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PANTHANALLUR POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KARUNANITHI.M, Advocate (SR-5815[I] dated 13/04/2023)

ORDER
IN
CRL OP(MD) No.6857 of 2023
Date :13/04/2023

PKP/VR/SAR- /13.04.2023/ **3P/7C**