



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8477 of 2023

Thingalmathi

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
(Crime No.409 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Alagia Nambi.R,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.409 of 2023 on the file of the respondent police.

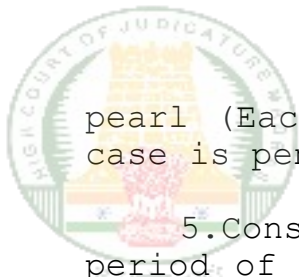
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 20.04.2023 for the offences punishable under Sections 4(1)(a),4(1-A) of TNP Act in Crime No.409 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 20 numbers of black pearl (Each containing 180 ml) liquor bottles, hence the case.

3.On the side of the petitioner, it is stated that the petitioner is innocent and a false case has been foisted against him. It is also further stated that the petitioner is in judicial custody from 20.04.2023, hence he seeks bail.

4.On the side of the prosecution, it is stated that the petitioner was found in illegal possession of 20 numbers of black



pearl (Each containing 180 ml) liquor bottles. Further no case is pending against the petitioner.

5. Considering the facts and circumstances of the case and also period of incarceration and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Orathanadu

[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 10.30 A.M., for a period of two weeks and thereafter as and when required for interrogation.

[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/-

04/05/2023

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04/05/2023

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

aav

<https://www.mhc.tn.gov.in/judis>



TO

1. THE JUDICIAL MAGISTRATE, ORATHANADU.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
ORATHANADU 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. ALAGIA NAMBI.R, Advocate (SR-7173[I] dated
04/05/2023)

ORDER

IN

CRL OP(MD) No.8477 of 2023

Date : 04/05/2023

RK/BUC/SAR- (04/05/2023) 3P/7C