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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/05/2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD) . No.9510 of 2023

Sundaramoorthy

... Petitioner/Accused No.1

Vs

State rep. through
The Sub Inspector of Police,
Peraiyur Police Station,
Madurai District.
Crime No.85 of 2023

... Respondent/Complainant

For Petitioner : Mr.S.Venkatasubramaniyan, Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.85 of 2023 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 11.05.2023 for the offences under sections 4(1-A), 4(1)(a), 4(1)(i) and 24 A of Tamilnadu Prohibition Act in Crime No.85 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner was in possession of 36 numbers of 180 ML Brandy Bottles for the purpose of selling the same at black market, hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent would contend that 36 numbers of quarter bottles were recovered from the accused. There is no previous case pending against the petitioner.



5. Taking into consideration of the facts and submissions by the learned counsels and also the 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, subject to the following conditions:

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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 learned District cum Judicial Magistrate, Peraiyur, Madurai District and on further conditions that :-

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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 is 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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25/05/2023

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

vsd

TO

1 THE DISTRICT CUM JUDICIAL MAGISTRATE, PERAIYUR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE, PERAIYUR POLICE STATION,
MADURAI DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, THENI.



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5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADRURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.VENKATASUBRAMANIYAN.S, Advocate (SR-7866[I] dated
25/05/2023)

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ORDER

IN

CRL OP(MD) No.9510 of 2023

Date :25/05/2023

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