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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/06/2023

PRESENT

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

CRL OP(MD) . No.9637 of 2023

Moganambal, ... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Kumbakonam West Police Station,
Kumbakonam, Thanjavur District.
Crime No.161 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Selvakumar V,
Advocate.

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.161 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 16.03.2023 for the offences under sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.161 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 180 ml Black Pearl and 31 Brandy Bottles, hence the case.

<https://www.mhc.tn.gov.in/judis> 3. Heard. Perused the materials available on record including the First Information Report.



4. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

5. 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 Judicial Magistrate No.I, Kumbakonam, 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the Director, Arignar Anna Memorial Cancer Hospital and Research Institute, Kanchipuram and shall produce the receipt before the concerned Magistrate at the time of executing the bond and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

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

[f] 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].

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

[i] the petitioner shall file undertaking affidavit before the trial Court that he will not indulge in similar types of offences again. If the petitioner fails to comply with the said undertaking the respondent is at liberty to secure the petitioner and proceed in accordance with law.

sd/-

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/ /2023

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



TO

1 THE JUDICIAL MAGISTRATE
NO.I KUMBAKONAM.

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- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.
- 3 THE OFFICER IN CHARGE,
DISTRICT JAIL, THANJAVUR..
- 4 THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION, KUMBAKONAM,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE DIRECTOR,
ARIGNAR ANNA MEMORIAL CANCER
HOSPITAL AND RESEARCH INSTITUTE, KANCHIPURAM.

ORDER

IN

CRL OP(MD) No.9637 of 2023

Date :05/06/2023

MGJ(05.06.2023) 3P 7C