



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.06.2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD)No.10242 of 2023

WEB COPY

A.Mohamed Ali

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
(Crime No.169/2023)

... Respondent/Complainant

For Petitioner : Mr.A.Senthil Kumar, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.169 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 30.05.2023 for the offences punishable under Sections 4 (1)(a), 4(1-A) of the Tamil Nadu Prohibition Act in Crime No.169 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 numbers of 180 ml TASMAL liquor bottles. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the petitioner is having five previous cases, in which, one case is registered for the offence under SC/ST Act and other cases registered for the offence under provisions of IPC.

5.Admittedly the bottles recovered from the petitioner are TASMAL bottles. Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 30.05.2023 and that the petitioner is not having any similar



previous case, this Court is inclined to grant bail to the petitioner 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate Court, Papanasam, Thanjavur District.

(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 a.m., until further orders;

(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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/06/2023

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13/06/2023

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

gns

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PAPANASAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, PAPANASAM POLICE STATION, THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.10242 of 2023

Date :13/06/2023

RS/VR/SAR-(13.06.2023) 2P 6C