



WEB COPY

CRL OP(MD)N



23

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.10386 of 2023

Kutty @ Prabakaraan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thogur Police Station,
Thanjavur District.
Crime No.88 of 2023

... Respondent/Complainant

For Petitioner : Mr.A.Sivasubramanian, 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.88 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 29.05.2023 for the offences punishable under Sections 4(1)(a) and 4(1-A) of TN Prohibition Act in Crime No.88 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 29.05.2023, based on the secret information, the respondent police went to the occurrence place and found that the petitioner was found in illegal possession of 9 numbers of 180 ml golden joice brandy liquor bottles and 2 numbers of 180 ml jet brandy liquor bottles, in which, 3 bottles were found open. 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 one previous case, which is similar in nature.

5.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 29.05.2023, that the property was recovered, 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 learned Judicial Magistrate, Thiruvaiyar.

(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 deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and shall produce the receipt before the concerned Magistrate at the time of executing the bond.

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial;

(vi) 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]**.

(vii) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/06/2023

/ TRUE COPY /

13/06/2023

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

gns

TO

1 THE JUDICIAL MAGISTRATE, THIRUVAIYAR.

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



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, THOGUR POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKOTTAI.

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

COPY TO

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND (CMPRF),
GOVERNMENT OF TAMILNADU, SECRETARIAT,
CHENNAI - 9.

+1 CC to M/s.A.SIVASUBRAMANIAN, Advocate (SR-8591[I] dated
13/06/2023)

ORDER

IN

CRL OP(MD) No.10386 of 2023

Date :13/06/2023

RS/SSS/SAR-(13.06.2023) 3P 8C