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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2023

PRESENT

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

CRL OP(MD). No.10839 of 2023

Santhanam

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Swamimlai Police Station,
Thanjavur District.
Cr.No.259/2023.

... Respondent/Complainant

For Petitioner : M/s.Deepak B, 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.259/2023 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 02.06.2023 for the offences under sections 4(1) (a) r/w. 4(1-A) of TNP Act in Crime No.259 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 24 number of tasmac (Each containing 180 ml) brandy bottles, hence the case.

3. Heard. Perused the materials available on record including the First Information Report. It is reported that nine previous cases are pending against the petitioner.

4. Taking into consideration 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.II, 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 make a non refundable deposit for a sum of Rs.15,000/- (**Rupees Fifteen 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 produce the receipt/acknowledgment before the concerned Court while executing sureties.

[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 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.

sd/-

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19/06/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.

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

3 THE OFFICER INCHARGE, SUB JAIL, KUMBAKONAM.



4 THE INSPECTOR OF POLICE, SWAMIMLAI POLICE STATION,
THANJAVUR DISTRICT.

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

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

+1 CC to M/s.B.DEEPAK, Advocate (SR-9031[I] dated 19/06/2023)

ORDER

IN

CRL OP(MD) No.10839 of 2023

Date :19/06/2023

RS/VR/SAR-(19.06.2023) 3P 8C