



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

Date : 22/06/2023

PRESENT

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

CRL OP(MD). No.11189 of 2023

WEB COPY

1. Rajkumar @ Pocket Raja
2. Raja @ Boxer Raja

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
Crime No.175 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Karunakaran K M,
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.175 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

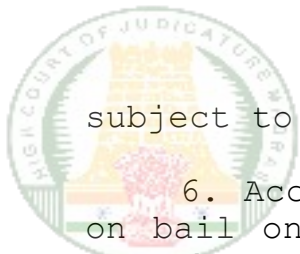
The petitioner / A1 and A2 who were arrested and remanded to judicial custody on 08.06.2023 for the offences under sections 4(1) (a), 4(1)(i) r/w 4(1-A) of TNP Act in Crime No.175 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 28 number of tasmac (Each containing 180 ml) liquor bottles, hence the case..

3. Heard. Perused the materials available on record including the First Information Report.

4. It is reported on the side of the prosecution that 16 previous cases are pending against the first petitioner and they have also sent a proposal to detain the petitioner under Act.14 of 1982. In so far as the second petitioner is concerned no previous case is pending against him.

5. 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 second petitioner alone ,



subject to the following conditions:

6. Accordingly, the second 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 blood sureties, each for a like sum to the satisfaction of learned Judicial Magistrate, Papanasam 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 second petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the M.S.Chellamuthu Trust and Research Foundation, Alagarkovil, Madurai (Account No.11194450660, IFSC Code-SBIN0001479, State Bank of India, Vinayaganagar Branch, No.8, Dr.Ambedkar Road, Madurai-20) 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 second 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 second petitioner shall not abscond either during investigation or trial.

[e] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

7. Taking into consideration the previous bad antecedents of the first petitioner, the petition stands dismissed as regards the first petitioner.

sd/-

22/06/2023

/ TRUE COPY /

22/06/2023

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

AAV



TO

1 THE JUDICIAL MAGISTRATE, PAPANASAM.

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

3 THE OFFICER INCHARGE, SUB JAIL, PAPANASAM.

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

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

COPY TO

THE OFFICER INCHARGE,
M.S.CHELLAMUTHU TRUST AND RESEARCH FOUNDATION,
ALAGARKOVIL, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-9379[I] dated 22/06/2023)

ORDER

IN

CRL OP(MD) No.11189 of 2023

Date :22/06/2023

RS/VR/SAR-(22.06.2023) 3P 8C