



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/06/2023
PRESENT

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

CRL OP(MD) . No.11564 of 2023

1. Arjunan,
2. Selvakumar,

... Petitioners/Accused 1 & 2

Vs

The State rep.by
The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.
(Crime No.278 of 2023).

... Respondent/Complainant

For Petitioners : M/s.ANANTHA MURUGAN S 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.278 of 2023 on the file of the respondent police.

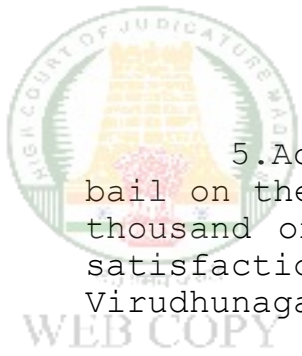
ORDER : The Court made the following order :-

The petitioners / A1 and A2 who were arrested and remanded to judicial custody on 16.06.2023 for the offences under sections 4(1)(b), 4(1)(g), 4(1-A) of TNP Act and sections 272 and 273 of IPC in Crime No.278 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that the petitioners along with other accused were found in illegal possession of 45 litres of Toddy, hence the case.

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

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 petitioners, subject to the following conditions:



5. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District 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 petitioners shall make a non refundable deposit for a sum of Rs.30,000/- (**Rupees Thirty 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. After coming out from prison within two days the petitioners shall also file an undertaking affidavit before the respondent police that they will not indulge in similar type of activities again and if the petitioners violate the said undertaking the respondent is at liberty to secure the petitioners and proceed in accordance with law.

[c] the petitioners 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 petitioners shall not abscond either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

27/06/2023

/ TRUE COPY /

27/06/2023

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



AAV
TO

1 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
SUB-JAIL, ARUPPUKOTTAI, VIRUDHUNAGAR
DISTRICT.

4 THE INSPECTOR OF POLICE,
MAMSAPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

+1. CC to M/S.ANANTHA MURUGAN S M Advocate SR.No.9703 (I)
Dt.27/06/2023

ORDER

IN

CRL OP(MD) No.11564 of 2023
Date :27/06/2023

SA/VR/SAR. /27.06.2023/3P/8C