



WEB COPY

CRL OP(MD). A



23

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

Date : 30/06/2023

PRESENT

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

CRL OP(MD) . No.11867 of 2023

1. Sakthivel @ Ayyar,

2. Rajmohan,

... Petitioners/Accused No.1 & 2

Vs

The Inspector of Police,
Thiruvidaimaruidhur Police Station,
Thanjavur District.
Cr.N0.419/2023.

... Respondent/Complainant

For Petitioners : M/s.Mohamed Riyaz 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.419/2023 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)(aa), 4(1)(A) and 4(1-A) of TNP Act in Crime No.419 of 2023 on the file of the respondent police seek bail.



2. The case of the prosecution is that the petitioners are found in illegal possession of 48 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.

4. 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 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, Thiruvidadimaruthur 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] 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 violates 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 is 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 FII registered under Section 229A IPC.

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

AAV

TO

1. The Judicial Magistrate, Thiruvidaimaruthur
Thanjavur District.
2. do through The Chief Judicial Magistrate,
Thanjavur at Kumbakonam
3. The Superintendent, Central Prison, Madurai.
4. The Inspector of Police,
Thiruvidaimaruidhur Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.MOHAMED RIYAZ, Advocate (SR-9922[I] dated
30/06/2023)

ORDER
IN
CRL OP(MD) No.11867 of 2023
Date :30/06/2023

DL/(30.06.2023)/ 3P/7C