



CRL OP(MD). No.15589 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15589 of 2023

M.Suresh,

... Petitioner/ Accused 1

Vs

The State rep.by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
Crime No.461 of 2023.

... Respondent/ Complainant

For Petitioner : M/s.DHILIPAN PANDIAN.R.L,
Advocate.

For Respondent : Mr.S.RAVI,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.461 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 who was arrested and remanded to judicial custody on 15.08.2023 for the offences punishable under Sections 4(1)(a) and 4(1-A) of TNP Act in Crime No.461 of 2023 on the file of the respondent Police, seek bail.

2. The learned counsel appearing for the petitioner would contend that the



CRL OP(MD). No.15589 of 2023

petitioner has not committed any offence as alleged by the respondent police and a false case has been foisted against the petitioner. The petitioner was arrested and remanded to judicial custody on 15.08.2023 and he is still in judicial custody, hence he may be granted bail.

3. The learned Additional Public Prosecutor or would contend that the petitioner was found in illegal possession of 25 numbers of 180ml tasmac brandy bottle and if he released on bail he will indulge in similar type of offences again, hence he strongly objected to grant bail to the petitioner. He would fairly concede that no previous case is pending against the petitioner.

4. Heard both side and perused the materials available on record.

5. Considering the rival submissions on either side and considering the nature of offence and period of incarceration and all other aspects and also considering the fact that no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 the learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District and on further conditions that:

[b] the petitioner shall report before the respondent police on every Monday at



CRL OP(MD). No.15589 of 2023

10.00 am., for a period of one month and thereafter as and when required for
WEB COPY
interrogation.

[c] the petitioner shall not commit any offences of similar nature.

[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 Judicial
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/-
28/08/2023

/ TRUE COPY /

28/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO
1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.

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



CRL OP(MD). No.15589 of 2023

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

3 THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM, THANJAVUR DISTRICT.

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

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

ORDER IN
CRL OP(MD) No.15589 of 2023
Date :28/08/2023

SA/SAR. /28.08.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.