



CRL OP(MD). No.15648 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15648 of 2023

Sabarinathan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
Crime No.115 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Venkatesh D,
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.115 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/sole accused who was arrested and remanded to judicial custody on 14.08.2023 for the offences punishable under Sections 4(1-A) of TNP Act in Crime No.115 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 288 number of brandy bottle each containing 180 ml and 4 litres of illicit arrack in a can, hence the case came to be registered.

3. The learned counsel appearing for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him and he has not committed any offence as alleged by the prosecution. The petitioner was arrested and remanded to judicial custody on 14.08.2023 and he is still in judicial custody, hence he may be granted bail.

4. The learned Additional Public Prosecutor appearing for the respondent would contend that the petitioner was found in illegal possession of 288 number of brandy bottle each containing 180 ml and 4 litres of illicit arrack in a can and he is



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having four previous cases, out of which three cases for the offences under Section 323 of IPC and one case under Section 188 of IPC, hence he strongly objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the fact that no similar kind of previous cases are pending against the petitioner and considering the nature of offence and period of incarceration and all other aspects 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 Judicial Magistrate, Tenkasi and on further conditions that:

[b] the petitioner shall report before the respondent police every day at 10.00 am., for a period of one month and thereafter as and when required for interrogation.

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



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[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/-
29/08/2023

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29/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
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1.THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3.THE INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION,
TENKASI DISTRICT.

4.THE OFFICER INCHARGE,
SUB JAIL, TENKASI.

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

+1 CC to M/s.D.VENKATESH, Advocate (SR-12922[I] dated 29/08/2023)

ORDER
IN
CRL OP(MD) No.15648 of 2023
Date :29/08/2023

RK (29/08/2023) 5P / 7C

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