



CRL OP(MD). No.15753 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15753 of 2023

Jayakodi,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thirukattupallai Police Station,
Thanjavur District.
Crime No.246 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Prabha S, Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.246 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused who was arrested and remanded to judicial custody on 12.08.2023 for the offences punishable under Sections 4(1)(a),4(1-A) of TNP Act in



CRL OP(MD). No.15753 of 2023

Crime No.170 of 2023 on the file of the respondent Police, seeks bail.

WEB COPY

2. The case of the prosecution is that on 12.08.2023 the petitioner was found in illegal possession of 12 number of brandy bottle each containing 180 ml, 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 12.08.2023 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 12 number of brandy bottle each containing 180 ml and she is having five previous cases, out of which three were disposed of, 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 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:



CRL OP(MD). No.15753 of 2023

WEB COPY

[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 No.I, Thiruvaiyaru and on further conditions that:

[b] the petitioner shall report before the respondent police on every Saturday at 10.00 am., for a period of four weeks and thereafter as and when required for 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].



CRL OP(MD). No.15753 of 2023

WEB COPY

[g] If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
30/08/2023

/ TRUE COPY /

30/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE JUDICIAL MAGISTRATE NO.I
THIRUVAIYARU.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THIRUKATTUPALLAI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.



CRL OP(MD). No.15753 of 2023

WEB COPY

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

ORDER
IN
CRL OP(MD) No.15753 of 2023
Date :30/08/2023

PKP/SAR- /30.08.2023/ 5P/ 6C

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