



CRL OP(MD). No.18459 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18459 of 2023

Rajkumar,

... Petitioner/ Accused

Vs

State Rep.by
The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.,
Crime No.635/2023..
Respondent/Complainant

...

For Petitioner : M/s.Yesudasan,Advocate.
For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.635/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody on
02.10.2023 for the alleged offences punishable under Sections 4(1)(a) r/w. 4(1-A) of



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Tamil Nadu Prohibition Act, in Crime No.635 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.10.2023 when the respondent police was on duty, the petitioner herein illegally found in possession of 15 bottles of liquor each containing 180 ML and the same has been recovered. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 02.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that on 02.10.2023 when the respondent police was on duty, the petitioner herein illegally found in possession of 15 bottles of liquor each containing 180 ML and the same has been recovered and the petitioner is having one previous case. He would further submit that the investigation of the case is pending and hence, objected to grant bail to the petitioner.

5. Considering the nature of allegations made against the petitioner and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs.

CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the

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



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petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Thiruvidadaimaruthur and on further conditions that:

(i) the petitioner shall affix his photograph and Left Thumb Impression in the bond and the Magistrate may obtain a copy of his Aadhar Card or Bank Pass Book to ensure their identity.;

(ii) the petitioner shall appear before the trial Court on receiving summons as directed by the trial Court.

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned 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].



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vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/10/2023

/ TRUE COPY /

13/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUVIDAIMARUTHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM
- 3 THE INSPECTOR OF POLICE
THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.M.YESUDASAN, Advocate (SR-15162[I] dated 13/10/2023)

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ORDER
IN

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Date :13/10/2023

PKP/13.10.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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