



CRL OP(MD). No.19776 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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1. A.Manikandan,

2. K.Ramachandran @ Ramasundaram

... Petitioners/ A-1, 2

Vs

State Rep.by

The Inspector of Police,

Vallam Police Station,

Thanjavur District.

Crime No. 517/2023.

... Respondent/Complainant

For Petitioners : Mr.A.Senthilkumar, Advocate.

For Respondent : Mr.R.M.S.Sethuraman, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.517 of 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 26.10.2023 for the offence under sections 4(1)(aaa), 4(1-A) of TNP Act in Crime No.517 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that the petitioners along with other accused were found in illegal possession of 100 litres of illicit arrack, hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are



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innocent and a false case has been foisted against them. He would further submit that the petitioners are in custody from 26.10.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that petitioners along with other accused were found in illegal possession of 100 litres of illicit arrack, hence he objected to grant bail to the petitioners. However he fairly concedes that no previous case is pending against the petitioners and the property has been recovered and destroyed.

5. Taking into consideration the facts and circumstances of the case and also the fact that property has been recovered and destroyed and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioners , subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute 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 the learned Judicial Magistrate No.II, Thanjavur and on further conditions that:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 A.M.,



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for a period of thirty days.

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[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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 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].

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

sd/-
06/11/2023

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06/11/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.

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



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3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

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

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

ORDER
IN

CRL OP(MD) No.19776 of 2023

Date :06/11/2023

RS//SAR-(06.11.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
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