



CRL OP(MD). No.20186 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.20186 of 2023

V.Prabu

... Petitioner / Sole Accused

Vs

State rep by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No.339 of 2023.)

... Respondent / Complainant

For Petitioner : Mr.Dhilipan Pandian R L, Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Cr.No.339 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 15.10.2023 for the offences under Sections 4(1)(a) and 4(1-A) of TNP Act , in Crime No.339 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 12nos of 180ml tasmac brandy bottles. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is in custody from 15.10.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner was found in illegal possession of 12nos of 180ml tasmac brandy bottles,hence he objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that no previous case is pending against the petitioner and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioner , subject to the following conditions:



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[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, Thiruvaiyaru, Thanjavur District 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 petitioner shall report before the respondent police daily at 10.30 A.M., for a period of thirty days and thereafter as and when required for interrogation.

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

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

[f] the petitioner 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 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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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section

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229A IPC.

sd/-
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09/11/2023

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

AAV

To

- 1.The Judicial Magistrate,
Thiruvaiyaru, Thanjavur District.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
- 4.The Officer Incharge,
District Prison,
Thanjavur, Thanjavur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-16115[I] dated 09/11/2023)



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ORDER

IN

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Date :09/11/2023

ED/ /SAR- (09/11/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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