



CRL OP(MD). No.20245 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.20245 of 2023

Gunasekaran

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Pandanallur Police Station,
Thanjavur District.
(Crime No.597/2023)..

... Respondent/Complainant

For Petitioner : Mr.Pr Boomeerajan,
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.597/2023 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 23.10.2023 for the offences under Sections 4(1)(a) r/w. 4(1-A) of TNP Act , in Crime No.597 of 2023 on the file of the respondent police seeks bail.



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2. The case of the prosecution is that the petitioner was found in illegal possession of 9nos of 180ml Pondicherry 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 for statistical purpose this case has been foisted against him. He would further submit that the petitioner is in custody from 23.10.2023, 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 9nos of 180ml Pondicherry brandy bottles, hence he objected to grant bail to the petitioner. He would further submit that 13 previous cases are pending against the petitioner, out of which seven cases are already disposed of and six cases are pending.

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

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



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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 District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, 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., and 5.30 P.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.



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[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].

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

sd/-
09/11/2023

/ TRUE COPY /

09/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3. THE OFFICER IN CHARGE, DISTRICT PRISON, PUDUKOTTAI.

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

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

ORDER
IN

CRL OP(MD) No.20245 of 2023

Date :09/11/2023

RK (09/11/2023) 5P / 6C

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