



CRL OP(MD). No.20995 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20995 of 2023

Varadharaj,

... Petitioner/ Accused (Sole)

Vs

The State Rep.by
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
(Crime No.364 of 2023).

... Respondent/Complainant

For Petitioner : Dhilipan Pandian R L,
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. 364 of 2023 on the file of the Respondent Police.



CRL OP(MD). No.20995 of 2023

WEB COPY
ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 07.11.2023 for the alleged offence punishable under Section 328 IPC and Sections 4 (1)(a) and 4(1-A) of TNP Act in Crime No.364 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police was on patrolling duty, petitioner herein has illegally found in possession of 6 Brandy bottles of 180 ml Black pearl. 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 07.11.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner herein is having one previous case in similar nature. He would further submit that the investigation of the case is pending and hence,



CRL OP(MD). No.20995 of 2023

strongly opposed to grant bail to the petitioner.

WEB COPY

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 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 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:

(i) the petitioner shall affix his photograph 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.

(ii) the petitioner shall appear before the trial Court once in a month i.e., on first working day of every English Calender month at 10.30 am until further orders.



CRL OP(MD). No.20995 of 2023

WEB COPY

(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].

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

sd/-
22/11/2023

/ TRUE COPY /

22/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.20995 of 2023

TO
WEB COPY

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

+1. CC to DHILIPAN PANDIAN R L Advocate SR.No.16672

ORDER
IN

CRL OP(MD) No.20995 of 2023

Date :22/11/2023

SSA/(22.11.2023)/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.