



CRL OP(MD). No.21146 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.21146 of 2023

Rajesh

... Petitioner / Accused No.1

Vs

The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
(In Crime No.629 of 2023)

... Respondent / Complainant

For Petitioner : Mr.V.Selvakumar, 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.629 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A1, who was arrested and remanded to judicial custody on on 12.11.2023 for the alleged offence punishable under Section 4(1)(aa) r/w 4(1-4) of Tamilnadu Prohibition Act in Crime No.629 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 432 numbers of black pearl liquor bottles each containing 180 ml. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against her. He would further submit that the petitioner is in jail from 12.11.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was found in illegal possession of 432 numbers of black pearl liquor bottles hence, objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

5. Considering the nature of allegations made against the petitioner and also considering the period of incarceration and taking note of the fact that no previous case is pending against the petitioner 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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.I, Kumbakonam, and on further conditions that:



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(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on the first working day of every English Calendar month at 10.30 am., until further orders.

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

(v) the petitioner shall not abscond during trial.

vi) 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].

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

sd/-
06/12/2023

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07/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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To
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- 1.The Judicial Magistrate No.I,
Kumbakonam.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
- 4.The Officer Incharge,
Sub Jail, Kumbakonam.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.21146 of 2023
Date :06/12/2023

ED/DD /SAR- (07/12/2023) 4P / 6C

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