



CRL OP(MD)No.21739 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.12.2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD)No.21739 of 2023

Raja

... Petitioner/ Accused No.2

Vs

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

... Respondent/ Complaiant

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 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 17.11.2023



CRL OP(MD)No.21739 of 2023

for the offence under Sections 4(1)(aa) r/w 4(1-A) of the Tamilnadu Prohibition Act in Crime No.629 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 12.11.2023, when the police party on duty, one person drove auto bearing Reg.No.TN-68-9712 and on seeing the police, he tried to escape from the spot, however, the police caught the vehicle. On enquiry and search, it was found that the petitioner herein was in illegal possession of 432 liquor 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 petitioner is in custody from 17.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner was found in illegal possession of 432 liquor bottles and the entire bottles were recovered.

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

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate



CRL OP(MD)No.21739 of 2023

No.I, Kumbakonam 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 twice i.e., morning at 10.30 A.M., and evening 05.30 P.M., until further orders.

[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].



CRL OP(MD)No.21739 of 2023

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

sd/-
04/12/2023

/ TRUE COPY /

04/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KUMBAKONAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, KUMBAKONAM.



CRL OP(MD)No.21739 of 2023

WEB COPY

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

ORDER
IN
CRL OP(MD) No.21739 of 2023
Date :04/12/2023

PKP/04.12.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023