



CRL OP(MD). No.22124 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 07/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.22124 of 2023

Arunkumar

... Petitioner/Sole Accused

Vs

The Inspector of Police,  
Thirukkattupalli Police Station,  
Thanjavur District.  
(Crime No.421 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Arunraj.K,  
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.421 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 30.11.2023 for the alleged offence punishable under Sections 4(1)(a) r/w. 4(1-A) of Tamil Nadu Prohibition Act in Crime No.421 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the when the respondent police was in routine check up check up on 30.11.2023, the petitioner herein has illegally found in possession of 8 bottles of liquor (each contain 180 ml). 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 30.11.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that there is no previous case pending against the petitioner and the investigation of the case is pending.



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5. Considering 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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru and on further conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

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

(iii) the petitioner shall not abscond during trial.



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(iv) 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/-  
07/12/2023

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

trp

TO

1. THE JUDICIAL MAGISTRATE, THIRUVAIYARU

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

3. THE OFFICER IN CHARGE, SUB JAIL, THANJAVUR.

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



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

+1 CC to M/s.K.ARUNRAJ, Advocate ( SR-17428[I] dated 07/12/2023 )

ORDER  
IN  
CRL OP(MD) No.22124 of 2023  
Date :07/12/2023

RK (07/12/2023) 5P / 7C

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