



CRL OP(MD). No.22252 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.22252 of 2023

D.Manikandan

... Petitioner/ Accused

Vs

The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.
Crime No.420 of 2023.

... Respondent/Complainant

For Petitioner : Mr.K.Guhan, 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.420 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 30.11.2023 for the alleged offence punishable under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.420 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal

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



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possession of 7 Black Pearl Brandy bottles. Each contains, 180 ml. Hence, the case.

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3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 30.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation in this case is not yet completed and no previous case is pending against the petitioner.

5.Heard both sides and perused the materials available on record.

6.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 petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are 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, Thiruvaiyaru and on further conditions that:



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(i) the petitioners shall appear before the trial Court on receipt of summons;

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

(iii) the petitioners shall not abscond during trial.

(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

sd/-
11/12/2023

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11/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



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3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

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

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

+1 CC to M/s.K.GUHAN, Advocate (SR-17545[I] dated 11/12/2023)

ORDER

IN

CRL OP(MD) No.22252 of 2023

Date :11/12/2023

RS//SAR-(11.12.2023) 4P 7C

Madurai Bench of Madras High Court is issuing
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