



Crl.O.P.(MD) No.23536 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 28.12.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.23536 of 2023

Mani

... Petitioner / Sole Accused

Vs

The State Represented by
The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
(Crime No.983 of 2023)

... Respondent / Complainant

For Petitioner : Mr.A.Joel Paul Antony, Advocate

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)

PRAYER: Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail to the petitioner/sole accused in Crime No.983 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 26.12.2023 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.



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2. The petitioner/sole accused was arrested and remanded to judicial custody on 17.12.2023 for the alleged offences punishable under Sections 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act No.10 of 1937) in Crime No.983 of 2023 on the file of the respondent police.

3. The case of the prosecution is that on 17.12.2023, when the respondent police were on patrolling, they found that the petitioner was in possession of 35 numbers of liquor bottles without any license or documents. Further case of the prosecution is that the petitioner mixed some chemical powder in the liquor bottles so as to intensity alcoholic effect. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody since 17.12.2023. Accordingly, he prayed to grant bail to the petitioner.

5. The learned Government Advocate (Criminal side) appearing for the respondent police submitted that the petitioner was in possession of 35 numbers of liquor bottles without any license or valid documents. Further submitted that the petitioner mixed some chemical powder in the liquor bottles so as to intensify alcoholic effect. He further submitted that the petitioner has no previous case; that investigation is not yet completed; and that at this stage of investigation, if bail is



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granted to the petitioner, he will cause threat to the witnesses and he will repeat such act and cause threat to public health and public order. Accordingly, he prayed to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The respondent police seized 35 numbers of liquor bottles from the petitioner. The petitioner was arrested and remanded to judicial custody on 17.12.2023. The petitioner has permanent residence and he is a first offender. He has deep roots in the society. Hence, there is less possibility of absconding. Considering the above reasons, with a view to give one more opportunity to reform himself and considering the nature of the offence allegedly committed by the petitioner, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) and furnish two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Papanasam;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of



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identity proofs to ensure their identity;

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(iii) The petitioner shall appear and sign before the respondent police daily at 10.00 a.m., until further orders;

(iv) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(v) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** [(2005)13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
28/12/2023

/ TRUE COPY /

29/12/2023
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JUDICIAL MAGISTRATE,
PAPANASAM.



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

3 THE INSPECTOR OF POLICE
AMMAPET POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM.

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

+1 CC to M/s.A.JOEL PAUL ANTONY, Advocate (SR-18380[I] dated 28/12/2023)

ORDER
IN

CRL OP(MD) No.23536 of 2023

Date :28/12/2023

SS/SAR- /29/12/2023/5P/7C

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