



CRL OP(MD). No.97 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.97 of 2024

Sathish @ Satta Sikkal

... Petitioner/ Accused

Vs

The Inspector of Police,
Natchiyarkovil Police Station,
Thanjavur District.
In Crime No.1001 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.R.ILAYARAJA,
Advocate.

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.1001 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 17.12.2023 for the offences punishable under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.1001 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



CRL OP(MD). No.97 of 2024

possession of 10 numbers of black pearl, each containing 180 ml. Hence, the
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complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution and he was falsely implicated in this case. Further, on his own volition, the petitioner undertakes to construct a toilet to the Government Girls Higher Secondary School, Melur. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that one previous case is pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Kumbakonam, and on further



conditions that:

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(*)(a) Since the petitioner on his own volition, undertakes to construct a toilet to the Government Girls Higher Secondary School, Melur, he is directed to construct a toilet to the said school on coming out of bail within a period of six weeks. The Headmaster of the said school shall co-operate with the petitioner for construction of toilet for the benefit of girl students. After constructing of toilet, appropriate proof shall be sent to the concerned learned Judicial Magistrate by the Headmaster of the said School. On receipt of the proof, the concerned learned Judicial Magistrate shall proceed in accordance with law. The petitioner shall file a photograph before this Court, after construction of toilet to the said school.

(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 is directed to appear before the respondent police daily at 10.30 a.m and 05.00 p.m., until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;



CRL OP(MD). No.97 of 2024

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trial;

(e)the petitioner shall not abscond either during investigation or
(f)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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered
under Section 229-A IPC.

sd/-
05/01/2024

(*)(SUBSTITUTED AS PER ORDER OF
THIS HON'BLE COURT IN CRL OP(MD).
97/2024 dated 08/01/2024)

/ TRUE COPY /

08/01/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU



CRL OP(MD). No.97 of 2024

TO

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TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
05/01/2024

1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.

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

3 THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM.

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

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

COPY TO:

THE HEAD MASTER,
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
MELUR.

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-184[I] dated 05/01/2024)

ORDER IN
CRL OP(MD) No.97 of 2024
Date :05/01/2024

SA/SAR. /05.01.2024/5P/8C

RS/SAR. /08.01.2024/5P/8C

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