



CRL OP(MD). No.1088 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1088 of 2024

Logabiraman,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thanjavur Prohibition Enforcement Wing Police Station,
Thanjavur,
Thanjavur District.
Crime No.2/2024.

... Respondent/Complainant

For Petitioner : Mr.K.Muthurakkan,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.2/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial



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custody on 05.01.2024 for the offences punishable under Sections 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act, in Crime No.2 of 2024, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 30 numbers of 180ml TASMAL brandy liquor bottles. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody since 05.01.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,000/- to the District Medical Officer and hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police strongly opposed to grant bail stating that the petitioner was found in illegal possession of 30 numbers of 180ml TASMAL brandy liquor bottles and the petitioner has one previous case.



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5.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

6.Accordingly, 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.2, Thanjavur, Thanjavur District, and on further conditions that:

(a) 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;

(b) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the District Siddha Medical Officer CCRI PKM, Account No.10767823177, IFSC Code : SBIN0000898, MICR CODE : 625002601, Branch: SBI Periyakulam, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;



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(c) the petitioner is directed to appear before the respondent police as and when required for interrogation.

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

(e) the petitioner shall not abscond either during investigation or trial;

(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/-
24/01/2024

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24/01/2024
Sub-Assistant Registrar (C.S- I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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TO
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1. THE JUDICIAL MAGISTRATE NO.2, THANJAVUR, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT @ KUMBAKONAM.
3. THE OFFICER IN CHARGE, SUB JAIL, THANJAVUR, THANJAVUR DISTRICT.
4. THE INSPECTOR OF POLICE,
THANJAVUR PROHIBITION ENFORCEMENT WING POLICE STATION,
THANJAVUR,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DISTRICT SIDDHA MEDICAL OFFICER CCRI PKM,
PERIYAKULAM

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-1050[I] dated 24/01/2024)

ORDER
IN
CRL OP(MD) No.1088 of 2024
Date :24/01/2024

RK (24/01/2024) 5P / 8C

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