



CRL OP(MD). No.1425 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Rajendran @ Gundumani

... Petitioner/Sole Accused

Vs

The State Represented by
The Inspector of Police,
Ammappettai Police Station,
Thanjavur District.
(In Crime No.1009 of 2023)

... Respondent/Complainant

For petitioner : Mr.K.Pragadeesh Kumar
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.1009 of 2023 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 custody on 12.01.2024 for the offences under Sections 4(1)(a) r/w 4(1-A) of



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Tamilnadu Prohibition Act, in Crime No.1009 of 2023, on the file of the respondent

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Police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 16 numbers of 180ml TASMAL brandy liquor bottles. Thereby, he was arrested and remanded to judicial custody. Hence, the complaint.

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 12.01.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.5,000/- 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 16 numbers of 180ml TASMAL brandy liquor bottles and the petitioner is having 6 previous cases in similar nature. Hence, vehemently, opposed to grant bail to the petitioner.

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:



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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, Papanasam, 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) as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five 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;

(c) the petitioner is directed to appear before the respondent police daily at 10.30 a.m, until further orders;

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



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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/-
31/01/2024

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/01/2024

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

DSS

To

1.The Judicial Magistrate,
Papanasam.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.



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3.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.

4.The Officer Incharge,
Sub Jail, Papanasam.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The District Siddha Medical Officer,
CCRI, Periyakulam.

ORDER
IN
CRL OP(MD) No.1425 of 2024
Date :31/01/2024

ED/ /SAR- (31/01/2024) 5P / 7C

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