



CRL OP(MD). No.1625 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Rajendran

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
Crime No.1009 of 2023.

... Respondent/Complainant

For Petitioner : Mr.P.Veerapandi,
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/Accused, who was arrested and remanded to judicial custody on 12.01.2024 for the offences punishable under Sections 4(1)(a) r/w. 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.1009 of 2023, on the file of the respondent police,

seeks bail

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



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2.The case of the prosecution is that the petitioner was found in illegal possession of 16 numbers of TASMAL brandy bottles, each containing 180 ml and the same were seized by the respondent Police. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offences as alleged by the prosecution and he was falsely implicated in this case. Further he would submit that the anticipatory bail petition filed by this petitioner was dismissed by this Court, pursuant to which, the petitioner surrendered before the respondent Police. 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. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that two previous cases are 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 though two previous cases are pending against the petitioner, considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with



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certain conditions.

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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, Pabanasam, Thanjavur District, and on further conditions that:

(a) 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 defence before the trial Court and the concerned Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(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;



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(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/-
02/02/2024

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/02/2024

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

INDU

TO

1 THE JUDICIAL MAGISTRATE, PABANASAM, THANJAVUR DISTRICT.

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

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

4 THE OFFICER INCHARGE, SUB JAIL, PABANASAM, THANJAVUR DISTRICT.



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

COPY TO

THE OFFICER INCHARGE
DISTRICT SIDDHA MEDICAL OFFICER, CCRI PKM,
PERIYAKULAM, THENI DISTRICT.

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-1356[I] dated 02/02/2024)

ORDER
IN

CRL OP(MD) No.1625 of 2024
Date :02/02/2024

RS//SAR-(01.02.2024) 5P 8C
Madurai Bench of Madras High Court is issuing
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