



CRL OP(MD).No.5643 of 2024

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

Date : 17.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. Rajkumar
2. Balamurugan
3. Sankar

... Petitioners / Accused

Versus

The Inspector of Police,
Pattukkottai PEW Police Station,
Thanjavur District.
(Crime No.172 of 2024)

...Respondent/ Complainant

For Petitioners : Mr.B.Anandan, Advocate
For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.172 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against the petitioners in Crime No.172 of 2024 for the offence under Sections 4(1)(aaa), 4(1-A) of Tamil Nadu



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Prohibition Act and Sections 468, 471 and 420 IPC r/w. Sections 5, 6 and 8 of the Tamil Nadu Rectified Spirit Rules 2000 and remanded them into judicial custody on 28.02.2024. Therefore, the petitioners have filed this petition seeking bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 624 liquor bottles and 730 liters of ID arrack.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, they are languishing in jail from 28.02.2024. He further submits that the petitioners, in order to show their bona fide, have donated a sum of Rs.10,000/- to an orphanage and the petitioners are also ready to file an undertaking affidavit that they will not indulge in any other offence in future. Therefore, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent opposes for grant of bail on the ground that the first petitioner is having two previous cases and the second and third petitioners are having one previous case.

5. Considering the nature of allegation, the period of incarceration and also considering the submission made by the learned counsel for the petitioners that the petitioners have donated a sum of Rs.10,000/- to an orphanage, this Court is inclined to grant bail to the petitioners.



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6. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail

i) on the petitioners executing a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand)each, with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Peravurani.

ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioners shall appear before the respondent Police daily at 10.30 a.m. until further orders. They have to co-operate for the investigation.

iv) The petitioners shall file an undertaking affidavit before the respondent Police that they will not indulge in any other offence, including the offence under Tamil Nadu Prohibition Act, in future.

v) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses. They shall be available for the trial as well.



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vi) On violation of any of the above conditions by the petitioners,
the respondent police shall move an application for cancellation of the
bail.

sd/-
17/04/2024

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17/04/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

To

1.The District Munsif cum Judicial Magistrate,
Peravurani.

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

3.The Inspector of Police,
Pattukkottai PEW Police Station,
Thanjavur District.

4.The Officer Incharge,
District Prison,
Pudukkottai.

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

+1 CC to M/s.B.ANANDAN, Advocate (SR-4575[I] dated 17/04/2024)



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ORDER

IN

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Date :17/04/2024

ED/ /SAR- (17/04/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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