



CRL OP(MD).No.7805 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.05.2024

PRESENT

The Hon`ble Mrs.Justice L.VICTORIA GOWRI

CRL OP(MD).No.7805 of 2024

Kumar

... Petitioner/ Accused No.1

versus

State through
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(In Crime No.210 of 2024)

... Respondent/Complainant

For Petitioner : Mr.A.Balaji
Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Crl. side)

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

PRAYER :-

For Bail in Crime No.210 of 2024 on the file of the Respondent Police.



CRL OP(MD).No.7805 of 2024

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 18.05.2024 for the offences under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.210 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.05.2024, at around 11.00 a.m., when the respondent Police were on patrol duty, they found that the petitioner/A1 along with another accused was in possession of 12 bottles of brandy. Hence, the case

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 18.05.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) opposed for grant of bail on the ground that the investigation is yet to be completed.



CRL OP(MD).No.7805 of 2024

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5. Considering the facts and circumstances of the case and also taking note of the period of incarceration, this court is inclined to grant bail to the petitioner with certain conditions.

6. 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 learned Judicial Magistrate, Karaikudi 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 shall appear before the respondent Police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation by the respondent Police.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned



CRL OP(MD).No.7805 of 2024

WEB COPY

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 is 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/05/2024

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29/ 05/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.The Judicial Magistrate Court,
Karaikudi.

2 do through the Chief Judicial Magistrate, Sivagangai District



CRL OP(MD).No.7805 of 2024

3.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

4.The Officer in charge,
District Prison,
Ramanathapuram.

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

+1. CC to A.BALAJI Advocate SR.No.5933

ORDER
IN
CRL OP(MD) No.7805 of 2024
Date :29/05/2024

PR(29.05.2024) 5P/7 C

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