



CRL OP(MD). No.10734 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.10734 of 2024

Marudhai

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Vathalai Police Station,
Trichy District.
Crime No. 73/2024

... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed, Advocate.

For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.73 of 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 custody on 20.06.2024 for the offences punishable under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.73 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

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



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possession of 23 black pearl brandy bottles to sell the same at higher price in the black market. Hence, the case.

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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 20.06.2024. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor would submit that petitioner was found in illegal possession of 23 liquor bottles to sell the same at higher price in the black market. He would further submit that the petitioner is having two previous cases similar in nature and the investigation is in initial stage. Hence, he opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the gravity of the offence, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Musiri.

(i)the sureties shall affix his photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of his Aadhar



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card or Bank Pass Book to ensure his identity;

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(ii) 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;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.

(v) 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].

(vi) If the accused thereafter abscond, a fresh FIR can be registration under Section 229A IPC.

sd/-

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

DSS



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TO

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1 THE JUDICIAL MAGISTRATE, MUSIRI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, MUSIIRI.

4 THE INSPECTOR OF POLICE, VATHALAI POLICE STATION,
TRICHY DISTRICT.

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

ORDER
IN

CRL OP(MD) No.10734 of 2024

Date :18/07/2024

RS//SAR-(18.07.2024) 4P 6C

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