



CRL OP(MD). No.10638 of 2024

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

Date : 16/07/2024

PRESENT

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

CRL OP(MD). No.10638 of 2024

Vignesh

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District,
(Crime No.372/2024.)

... Respondent/Complainant

For Petitioner : M/s.Prabu.M, 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.372/2024 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 07.07.2024 for the offences punishable under Sections 4(1)(a), 4(1-A) of IPC in TN Prohibition Act, in crime No.372 of 2024 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner herein and other accused have illegally found in possession of 25 bottles of Brandy each containing 180 ml and the same has been recovered. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 07.07.2024, hence he may be granted bail.

4. The learned Additional Public Prosecutor would submit that the property recovered is worth about Rs.3,700/- and there is no previous case pending against the petitioner. He would further submit that the investigation is pending.

5. Considering the submissions made by the learned counsel on either side and also considering the period of incarceration and also the fact that there is no previous case pending against the petitioner, 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, Thiruvaiyaru.

(i) the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 am for a period of three 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/07/2024

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16/07/2024
Sub-Assistant Registrar (A.E)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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To

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1.The Judicial Magistrate,
Thiruvaiyaru.

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

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

4.The Officer Incharge,
Sub Jail, Thanjavur.

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

ORDER
IN

CRL OP(MD) No.10638 of 2024

Date :16/07/2024

ED/ /SAR- (16/07/2024) 4P / 6C

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