



CRL OP(MD). No.10613 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.10613 of 2024

Balan,

... Petitioner/Single Accused

Vs

The Inspector of Police,  
Kanakiliyanallur Police Station,  
Trichy District,  
Crime No.91/2024.

... Respondent/Complainant

For Petitioner : M/s.Kayvin Prince.S.B,  
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.91/2024 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 19.06.2024 for the offence punishable under Sections 4(1)(a) and 4 (1-A) of Tamilnadu Prohibition act, in crime No.91 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 was in illegal possession of 17 bottles, each contains 180 ml Mclene brandy. 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 19.06.2024, hence, he may be granted bail.

4. The learned Additional Public Prosecutor would submit that petitioner was in illegal possession of 17 bottles, each contains 180 ml Mclene brandy, worth about Rs.3,060/- and the petitioner is having four previous cases. He would further submit that investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioner.

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



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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, Lalgudi, and on further conditions that;

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



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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 ( )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

DSS

TO

- 1 THE JUDICIAL MAGISTRATE  
LALGUDI.
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE OFFICER INCHARGE,  
SUB JAIL, LALGUDI..
- 4 THE INSPECTOR OF POLICE  
KANAKILIYANALLUR POLICE STATION,  
TRICHY DISTRICT,
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER  
IN  
CRL OP(MD) No.10613 of 2024  
Date :16/07/2024

SS/SAR- /16/07/2024/5P/6C

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