



CRL OP(MD). No.10980 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2024

PRESENT

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

CRL OP(MD). No.10980 of 2024

1. S.Balaji,

2. K.Maruthakasi,

... Petitioners/ Accused Nos.1&2

Vs

the state rep by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
Crime No.765/2024.

... Respondent/Complainant

For Petitioner : Dhilipan Pandian R L,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.765/2024 on the file of the respondent police



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ORDER: The Court made the following order :-

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The petitioners/ A1 & A2, who were arrested and remanded to judicial custody on 25.06.2024 for the offences punishable under Sections 4(1)(a) 4(1-A) & 4(1)(g) of Tamil Nadu Prohibition Act, in Crime No.765 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 10 liters of liquor in two polythene cover bags. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as mentioned in the FIR and they are in judicial custody from 25.06.2024 and hence they may be granted bail.

4.The learned Additional Public Prosecutor would submit that the investigation is in preliminary stage and the first petitioner is having 3 previous cases. Hence, he vehemently, 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 petitioners on

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certain conditions.

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6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Papanasam, Thanjavur District.

(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 petitioners shall report before the concerned trial Court on all working days daily at 10.30 a.m., until further orders;

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

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail

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by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme

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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-

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/07/2024

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

DSS

TO

1. The Judicial Magistrate Court,
Papanasam, Thanjavur District..
2. Do-Through The Chief Judicial Magistrate,
Thanjore District.
3. The Superintendent, District Prison,
Thanjavur, Thanjavur District..
4. The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.



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

ORDER
IN
CRL OP(MD) No.10980 of 2024
Date : 22/07/2024

KB(22.07.2024) 5P/ 6C

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