



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2024

PRESENT

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

CRL OP(MD). No.11254 of 2024

Shaju,

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Pew, Thuckalay Police Station,
Kanyakumari District.
Crime No.330 of 2024.

... Respondent/Complainant

For Petitioner : Mr.M.Suri,
Advocate.

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

PRAYER :- For Bail in Crime No.330 of 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 20.06.2024 for the offences punishable under Section 4(1-A) of Tamil Nadu

Prohibition Act, in crime No.330 of 2024 on the file of the respondent police, seeks

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

bail.



2. The case of the prosecution is that the petitioner was illegal possession of 2 numbers of 180 ml bottles, containing illicit arrack. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he is in judicial custody from 20.06.2024 and hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public prosecutor would submit that petitioner was illegal possession of illicit arrack and the investigation is almost completed and 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.

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 Judicial Magistrate No.II, Padmanabhapuram, Kanniyakumari 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 petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;



(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] and

(vi) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/07/2024

/ TRUE COPY /

/07/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. The Judicial Magistrate No.II,
Padmanabhapuram,
Kanniyakumari District

2. Do Through,
The Chief Judicial Magistrate,
Kanniyakumari at Nagercoil.



3. The Superintendent,
Central Prison,
Palayamkottai, Tirunelveli District.

4. The Inspector of Police,
PEW, Thuckalay Police Station,
Kanyakumari District.

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

+1CC to M/s.M.SURI, Advocate, SR No.8325(I), dated 23.07.2024

CRL OP(MD) No.11254 of 2024
Date :23/07/2024

MGJ(23.07.2024) 4P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023