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

Date : 25/07/2024

PRESENT

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

CRL OP(MD). No.11493 of 2024

Selvarani ... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thanjavur Pew Police Station
Thanjavur District.
(Crime No.450/2024.) ... Respondent/Complainant

For Petitioner : Mr.Maheswaran R, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.450/2024 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 17.06.2024 for the offences punishable under Sections 4(1)(a), 4(1)(i) and 4(1-A) of Tamil Nadu Prohibition Act, in crime No.450 of 2024 on the file of the respondent

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police, seeks bail.

2.The case of the prosecution is that the petitioner was in illegal possession of 29 numbers of 180 ml TASMAC brandy bottles, worth about Rs.4,100/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been false implicated in this case. He would further submit that the petitioner is in judicial custody from 17.06.2024, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is having 10 previous cases and the investigation of the case is pending and hence, 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 learned Judicial Magistrate No.II, Thanjavur and on further conditions that;

(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 appear before the respondent police daily at 10.30 am 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].

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

sd/-
25/07/2024

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25/07/2024
Sub-Assistant Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.The Judicial Magistrate No.II,
Thanjavur.

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

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

4.The Officer Incharge,
Women Sub Jail, Trichy.

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

ORDER
IN
CRL OP(MD) No.11493 of 2024
Date :25/07/2024

ED/ /SAR- (25/07/2024) 4P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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