



CRL OP(MD). No.12083 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2024

PRESENT

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

CRL OP(MD). No.12083 of 2024

Guna @ Gunasilan,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Pew- Karur Police Station,
Karur District.

Crime No. 1093/2024.

... Respondent/Complainant

For Petitioner : M/s.Sudalaiyandi K,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 1093 of 2024 on the file of the Respondent Police.



CRL OP(MD). No.12083 of 2024

ORDER : The Court made the following order :-
WEB COPY

The petitioner/ Accused, who was arrested and remanded to judicial custody on 24.07.2024 for the offences punishable under Sections (*) 4(1)(C), 4(1)(A) of Tamil Nadu Prohibition(Transport) Act, sections 4(1)(a) and 4(1)(i) of Tamil Nadu Prohibition Act, in crime No.1093 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein has illegally found in possession 125 bottles of liquor worth about Rs.11,000/- and the same has been recovered. 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 falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 24.07.2024, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the petitioner herien is having no previous case and the property has been recovered. He would

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



CRL OP(MD). No.12083 of 2024

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 and that the property has been recovered, 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.I, Karur District, 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 a.m., for a period of three weeks and thereafter, as and when required for interrogation;



CRL OP(MD). No.12083 of 2024

(iii)the petitioner shall not tamper with evidence or witness;
WEB COPY

(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/-

30/07/2024

(*)Amended as per Order of the Court
dt.06/08/2024 in CrI.MP(MD).7897/2024 in
CrI.OP(MD).12083/2024 by DBCJ.

/ TRUE COPY /

06/08/2024

Sub-Assistant Registrar
(A.D.II)

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



CRL OP(MD). No.12083 of 2024

TRP
TO COPY

TO BE SUBSTITUTED WITH THE ORDER DT.30/07/2024 ALREADY
DESPATCHED

1.The Judicial Magistrate No.I, Karur District.

2. Do-Through The Chief Judicial Magistrate,
Karur District.

3. The Officer In-Charge, Sub Jail, Karur.

4. The Inspector of Police,
Pew- Karur Police Station,
Karur District.

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

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-9513 [I] dated 06/08/2024)

ORDER

IN

CRL OP(MD) No.12083 of 2024

Date : 30/07/2024

RD(30/07/2024) 5P / 7C

KR

SA/06.08.2024/5P/7C

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