



CRL OP(MD). No.12404 of 2024

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

Date : 01/08/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.12404 of 2024

1. Ajit Kumar
2. Sakendar Ram
3. Avinash Kumar
4. Nagender Ram
5. Chandan Kumar

... Petitioners/ Accused No.1 to 5

Vs

The Inspector of Police,
Koodankulam Police Station,
Koodankulam,
Tirunelveli District.
(Crime No.331/2024.)

... Respondent/Complainant

For Petitioners : M/s.S.Palanivelayutham, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 331 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ A1 to A5, who were arrested and remanded to judicial custody on 26.07.2024 for the offences punishable under Sections 4(1-A)(ii) of Tamilnadu



CRL OP(MD). No.12404 of 2024

Prohibition Act, in Crime No.331 of 2024 on the file of the respondent police, seek
bail.

2.The case of the prosecution is that the petitioner and the other accused were found in illegal possession of 5 liters of illicit liquor. Hence, the complaint.

3.The learned counsel for the petitioners the petitioners are innocents and they have not committed any offence as mentioned in the FIR. He would further submit that no previous case is pending against the petitioner and the petitioners are in judicial custody from 26.07.2024 and hence, they may be granted bail.

4.The learned Additional Public Prosecutor would submit that the investigation is in preliminary stage. But, however, he fairly conceded that no previous case is pending against the petitioners.

5.Considering the period of incarceration and also considering the fact that no bad antecedent is reported against the petitioners, this Court is inclined to grant bail to the petitioners on certain conditions.

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 Judicial Magistrate, Radhapuram, Tirunelveli District.

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



CRL OP(MD). No.12404 of 2024

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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 petitioners shall report before the respondent police 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/08/2024

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02/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



CRL OP(MD). No.12404 of 2024

To

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1.The Judicial Magistrate,
Radhapuram, Tirunelveli District.

2.Do through the Chief Judicial Magistrate,
Tirunelveli district.

3.The Inspector of Police,
Koodankulam Police Station,
Koodankulam, Tirunelveli District.

4.The Officer Incharge,
Sub Jail, Nanguneri,
Tirunelveli District.

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

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-9238[I] dated
01/08/2024)

ORDER

IN

CRL OP(MD) No.12404 of 2024

Date :01/08/2024

ED/ /SAR- (02/08/2024) 4P / 7C

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