



CRL OP(MD). No.14407 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14407 of 2024

Nallasivam,

... Petitioner/Sole Accused

Vs

The Sub-Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
Cr No.147/2024.

... Respondent/Complainant

For Petitioner : M/s. Vishnuram.G,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.147 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 18.08.2024 for the offences punishable under Sections 4(1-A) of TN Prohibition Act, in Crime No.147 of 2024 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the petitioner was found in illegal possession of 4 numbers of liquor bottles. Hence, the complaint.

3.Heard both sides.

4. Considering the nature of the allegations against the petitioner and considering the submission made by the learned counsel for the petitioner that the petitioner is ready and willing to file an affidavit of undertaking that he will not indulge in similar trade or purchase of bulk liquor hereinafter and also considering the fact that the petitioner is in jail from 18.08.2024, this Court is inclined to grant bail to the petitioner on certain conditions.

5.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 District Munsif Cum Judicial Magistrate, Thiruppuvanam, Sivagangai 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 for a period of two weeks and thereafter, as and when required for interrogation;



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(iii) the petitioner shall file an undertaking affidavit before the trial Court that he will not engage in similar offences or will not purchase liquor in bulk in future and if he is found to be in possession, the bail granted by this Court shall stand cancelled automatically.

(iv) the petitioner shall not tamper with evidence or witness;

v) the petitioner shall not abscond during trial.

vi) 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].

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

sd/-
30/08/2024

/ TRUE COPY /

30/08/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPUVANAM, SIVAGANGAI DISTRICT.

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



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, SIVAGANGAI.

4 THE SUB-INSPECTOR OF POLICE,
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.VISHNURAM, Advocate (SR-10608[I] dated 30/08/2024)

ORDER IN
CRL OP(MD) No.14407 of 2024
Date :30/08/2024

SA/SAR. /30.08.2024/4P/7C

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