



CRL OP(MD). No.23154 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.23154 of 2024

Murugan

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Gandamanur Police Station,
Theni District.
Crime No. 203/2024.

... Respondent/Complainant

For Petitioner : Mr.R.Venkatesan, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.203 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.2, who was arrested and remanded to judicial custody on 17.12.2024 for the offences punishable under sections 4(1)(C), 4(1)(A) of the Tamil Nadu (Amendment) Prohibition Act in Crime No.203 of 2024 on the file of the respondent police, seeks bail.



CRL OP(MD). No.23154 of 2024

WEB COPY

2.The case of the prosecution is that on 16.12.2024, during vehicle check up, the respondent Police found that the petitioner and another accused person, namely, Raja were illegally possessing 68 alcohol bottles and after seeing the Police officials, the said Raja escaped from the place of occurrence. Hence, the case.

3.The learned counsel for the petitioner would submit that the respondent police registered a false case as against the petitioner. The petitioner is an innocent and he has been falsely implicated in this case. He has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has already filed a bail application in CrI.M.P.No.3268 of 2024 before the learned Principal Sessions Judge, Theni, which was dismissed. The petitioner is in judicial custody from 17.12.2024 and he is also ready to abide by any condition imposed by this Court. Hence, the petitioner may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner was found in illegal possession of 68 alcohol bottles and investigation is at initial stage. Hence he objected to grant bail to the petitioner. However, he would concede that there is no previous case as against the petitioner.

5.Heard both sides and perused the materials available on record.

6.Considering the rival submissions on either side, considering the nature of offence levelled against the petitioner and considering the fact there is no previous



CRL OP(MD). No.23154 of 2024

case pending against the petitioner and also taking into consideration the period of incarceration by the petitioner from 17.12.2024, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Aundipatti and on further conditions that:

[b] the petitioner shall report before the respondent Police on every Saturday at 10.00 a.m., for a period of four weeks, thereafter, as and when required for interrogation;

[c] the petitioner shall not commit any offences of similar nature;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; [g] If



CRL OP(MD). No.23154 of 2024

the accused thereafter absconds, a fresh FIR can be registered under Section 269

WEB COPY
B.N.S.

sd/-
27/12/2024

/ TRUE COPY /

27/12/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

Yuva

TO

- 1 THE JUDICIAL MAGISTRATE, AUNDIPATTI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT PRISON, THENI.
- 4 THE INSPECTOR OF POLICE, GANDAMANUR POLICE STATION,
THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.VENKATESAN, Advocate (SR-15862[I] dated 27/12/2024)

ORDER
IN

CRL OP(MD) No.23154 of 2024

Date :27/12/2024

RS//SAR-(27.12.2024) 4P 7C

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