



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

Tuesday, the First day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) No.10006 of 2017

1 DENNIES RAJ
2 MICHELRAJ

... PETITIONERS / ACCUSED 1 & 2

Vs

The State rep.by
THE INSPECTOR OF POLICE
PEW POLICE STATION,
THUCKALAY,
KANYAKUMARI DISTRICT.
CRIME NO.481 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.K.P.NARAYANAKUMAR Advocate

For Respondent : Mr.A.Ramar, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.1 and 2 , who were arrested and remanded to judicial custody on 10.7.2017 for the alleged offences punishable under Sections 4(1-A), 4(1)(b) of Tamil Nadu Prohibition Act, in Crime No.481 of 2017, on the file of the respondent police and hence, seek bail.

2.According to the prosecution, during patrol, the respondent Police said to have seized 20 litres of liquid with alcoholic smell from the Petitioners, near to their house, which causes endanger to the human life.

3.The learned counsel for the petitioners submitted that they are innocent and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor submitted that the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 10.7.2017, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

(i)the petitioners shall execute a bond for a
Sum of Rs.10,000/- (Rupees ten thousand
only)



WEB COPY

with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Eraniel, Kanyakumari District.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four weeks.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or 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]**.

sd/-

01/08/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE
ERANIEL, KANYAKUMARI DISTRICT

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE OFFICERS INCHARGE
DISTRICT JAIL, KANYAKUMARI DISTRICT AT NAGERCOIL

4 THE INSPECTOR OF POLICE
PEW POLICE STATION,
THUCKALAY,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.K.P.NARAYANAKUMAR Advocate SR.No.27664

ORDER

IN

CRL OP(MD) No.10006 of 2017

Date :01/08/2017