



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

Friday, the Fifteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.12202 of 2017

1 PASUPATHY
2 PARTHIPAN

... PETITIONERS / ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
P.E.W. POLICE STATION, THANJAVUR,
CR NO. 336/2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.RAJAPRABU Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

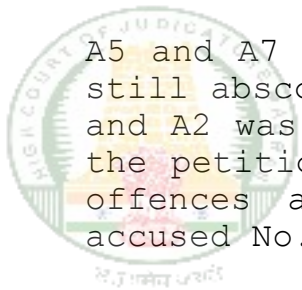
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused were arrested and remanded to judicial custody on 11.08.2017 for the offences punishable under Sections 4(1)(aaa), 4(1-A) of TNP Act and 468,471 and 420 of IPC in Crime No.336 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that while TN 49.AM-1947 TATA INDICA Car was intercepted on the date of occurrence, which was driven by A1, the petitioners are alleged to have found in possession of 1 GGB Brandy (Pondy) 180 ML - 5088 Bottles 2) Mensclub Brandy 180 ML -195 bottles, 3) Mcdowel Brandy 180 ML Bottles - 92 Bottles 4) Seamens Brandy - 180 ML - 95 Bottles 5) Halogram -6000 Nos.6) Mensclud labure - 3600 Nos 7) day night lable - 2500 8) Camel Paste - 700 ML. On complaint, a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners are an innocent person and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further state that A5 is the wife of A1 and A1 is the Driver of the said vehicle on the date of occurrence and they are not having any previous case in the similar nature of offences.

4.The learned Additional Public Prosecutor appearing for the respondent would submit on instructions that there are totally 7 named accused in this case and the petitioners herein are arrayed as



A5 and A7 respectively. He would further state that A1 and A4 are still absconding and A3 and A6 were arrested and they are in custody and A2 was granted bail by this Court. He would further state that the petitioners are not having any previous case in similar type of offences and the property was recovered from the house of the accused No.5 and the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the fact that A1 is the driver of the said vehicle and that the petitioners are not having any previous case in similar type of offences and also that the petitioners are in judicial custody from 11.08.2017, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(I) Each of the petitioners shall 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 Judicial Magistrate No.II, Thanjavur.

(ii) the petitioners shall appear before the r Judicial Magistrate No.II, Thanjavur daily at 10.30 am until further orders;

(iii) the petitioners shall not tamper with the 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 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 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/-
15/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
 - 4 THE INSPECTOR OF POLICE,
P.E.W. POLICE STATION, THANJAVUR.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.RAJAPRABU Advocate SR.No.30852

ORDER IN
CRL OP(MD) No.12202 of 2017
Date :15/09/2017