



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

Monday, the Twenty Seventh day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.2057 of 2017

RAJI @ RAJASEKAR

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

STATE THROUGH THE
THE INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.91 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.MAHESWARAN Advocate

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner / A7, who was arrested on 19.12.2016 for the offences punishable under Sections 4(1)(a)(Transport), 4(1)(aaa), 4(1)(A) TNP Act r/w 468,471, 473, 484, 486, 487 and 420 IPC in Crime No.91 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused have collected fake holograms and labels and supplied the same to the other accused and they sold spurious liquor to public.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that no recovery is made from this petitioner.

4.The learned Government Advocate(Crl. Side) submitted that totally there are 5 named accused and the petitioner is arrayed as A7 in this case and based on the confession given by A1, the petitioner is implicated as accused in this case.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner is implicated as accused on the basis of the confession of A1 and no incriminating materials



were recovered from this petitioner so far, 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) the petitioner 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.III, Tirunelveli;

(ii) the petitioner is directed to appear before the Judicial Magistrate No.III, Tirunelveli, daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner 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/-
27/02/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.
- 2 DO THROUGH THE CHEIF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S.R.MAHESWARAN Advocate SR.No.10866
NB
AAM/JM/SAR-III/28.02.2017 :2P/7C

ORDER
IN
CRL OP(MD) No.2057 of 2017
Date :27/02/2017