



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

Wednesday, the First day of March Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.2189 of 2017

A.NAGARAJAN

... PETITIONER/ACCUSED NO.8

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION, TIRUNELVELI,
TIRUNELVELI DISTRICT.
(CRIME NO.91 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.THIRUVADI KUMAR Advocate

For Respondent : M/S.P.KANDASAMY, Govt. Advocate (Crl. Side)

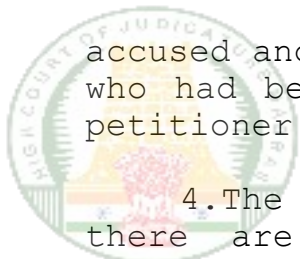
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.8, who was arrested and remanded to judicial custody on 19.12.2016 for the alleged offences punishable under Sections 4(1)(a), 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act, and Sections 420, 468, 471, 473, 484 and 487 of IPC, in Crime No.91 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that while the petitioner joined with other accused, who were found in possession of poisonous liquor by affixing fake labels and holograms and proceeding in a motorcycle for the sale of the same, the petitioner was arrested and he is in custody from 19.12.2016. A formal arrest was made. Hence, the petitioner filed the present petition.

3.The learned counsel for the petitioner would submit that A5 was granted anticipatory bail by this Court as per order in Crl.O.P (MD).No.17724 of 2016 dated 23.09.2016 and A7 was granted bail by this Court as per order in Crl.O.P(MD).No.2057 of 2017 dated 27.02.2017. It is further submitted that the name of the petitioner does not find a place in the FIR and he had been formally arrested by the respondent in the present crime number. While he was under preventive detention, the order of detention passed against the petitioner had been quashed by this Court in H.C.P(MD).No.1407 of 2017 dated 15.02.2017. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case solely on the confession of the co-



accused and no recovery had been effected from the petitioner herein who had been formally arrested. He would further submit that the petitioner is in judicial custody 19.12.2016.

4.The learned Government Advocate (Crl. Side) submitted that there are ten accused persons in this case and the present petitioner is arrayed as accused No.8 and he was arrested on the confession of the co-accused and he is in judicial custody from 19.12.2016.

5.Considering the facts and circumstances of the case and also the fact that no recovery is effected from the petitioner herein and he has been implicated in this case on the basis of the confession of the co-accused, 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 learned 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/-

01/03/2017

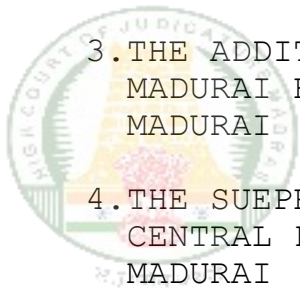
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT



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

4. THE SUEPRINTENDENT
CENTRAL PRISON
MADURAI

5. THE INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION, TIRUNELVELI,
TIRUNELVELI DISTRICT

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.11795

SVA/7C/2P/MR/SAR2/2.3.2017

ORDER

IN

CRL OP (MD) No.2189 of 2017

Date :01/03/2017