



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

Tuesday, the Seventh day of March Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.2251 of 2017

RAJESH, ... PETITIONER / ACCUSED NO.1

Vs

STATE, REP. BY
THE INSPECTOR OF POLICE, KUMBAKONAM PEW POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.
(CR.NO.798/2016) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.KARUNANITHI Advocate

For Respondent : Mr.K.V.Rajarajan Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

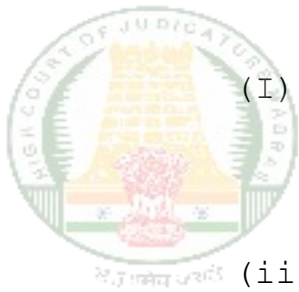
The petitioner who is arrayed as accused No.1 is arrested and remanded to judicial custody on 18.12.2016 for the alleged offences punishable under Section 4(1)(aaa) and 4(1-A) of TNP Act in Crime No.798 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 105 litres of I.D. Arrack with poisonous substance along with 402 liquor bottles containing 180 mls. each.

3.The learned counsel appearing for the petitioner submits that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that co-accused / A2 was already arrested and released on bail, by this Court in Crl.O.P (MD).No.184 of 2017. He further contended that detention order issued to the petitioner was revoked in G.O.Rt.No.900, dated 23.02.2017.

4. The learned Government Advocate (Crl. Side) submitted that the investigation of the case is pending.

5. In the light of the above, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:



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(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 learned Judicial Magistrate No.-II, Kumbakonam.

(iii) the petitioner shall appear before the Concerned Magistrate, daily at 10.30 am until further orders.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) On breach of any of the aforesaid conditions, the learned 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

07/03/2017

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM

2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE,
KUMBAKONAM PEW POLICE STATION, KUMBAKONAM, THANJAVUR DISTRICT.

4 THE OFFICERS INCHARGE, SUBJAIL, KUMBAKONAM

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

+1. CC to M/S.M.KARUNANITHI Advocate SR.No.12888

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ORDER

IN

CRL OP(MD) No.2251 of 2017

Date :07/03/2017