



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

Friday, the Ninth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2082 of 2018

KALYANASUNDARAM

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.21/2018)

... RESPONDENT / COMPLAINAN

For Petitioner : M/S.S.RAJAPRABU, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner / A2, who was arrested and remanded to judicial custody on 14.01.2018 for the offence punishable under Section 4(1) (aa), 4(1-A) of TNP Act , in Crime No.21 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and another accused were found in possession of 432 Nos. of 180 ml brandy liquor bottles and 20 Nos. of loose bottles. Hence, case has been registered against the petitioner and another accused for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 14.01.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that there are totally two accused in this case. The petitioner herein is arrayed as A2. He further submitted that the properties which were used during the time of occurrence was recovered. There is no previous case is pending against this petitioner. According to him, part of the investigation is completed.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner and another accused without any license were found in possession of 432 Nos. of Indian Made Foreign Liquor. According to prosecution, the contraband which was possessed during the time of occurrence was recovered. Admittedly, the petitioner is the first offender. According to prosecution, part of the investigation is completed. The petitioner is in judicial custody from 14.01.2018 onwards. So, considering the period of incarceration of the petitioner, further custodial interrogation of the petitioner may not be necessary for completing the investigation.

6. Considering the above facts and circumstances, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam.

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of three weeks, thereafter, as and when required for interrogation.

(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/-
09/02/2018

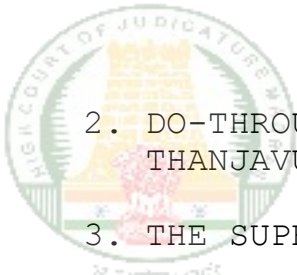
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

<https://hcservices.courts.gov.in/hcservices/>

1. THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.



2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4. THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S.S.RAJAPRABU Advocate SR.No.2212

ORDER

IN

CRL OP (MD) No.2082 of 2018

Date : 09/02/2018

MS/CM-VR/SAR.2/09.02.2018/3P.7C