



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

Monday, the Nineteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2581 of 2018

1 MOHAN
2 ARUNKUMAR

... PETITIONERS/ ACCUSED NO.2 & 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.12 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.R.SURESH KUMAR, 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 petitioners / A2 & A3, who were arrested and remanded to judicial custody on 12.01.2018 for the offence punishable under Sections 4(1)(aaa) r/w 4(1-A) TNP Act in Crime No.12 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant, who is the Sub Inspector of Police attached to the respondent police, while conducting raid in the road, the petitioner and other accused were found in possession of 960 Nos. of 180 ml brandy bottles. Hence, a case has been registered against the accused persons for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they are in judicial custody from 12.01.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that there are totally three accused in this case. The petitioners herein are arrayed as A2 & A3. During the time of the occurrence, the petitioners were found in possession of 960 brandy bottles without any license. The properties which were



possessed by the petitioners during the time of occurrence had been recovered. According to him, investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners and other accused without any license were found in possession of 960 bottles of Indian Made Foreign Liquor sealed in Tamil Nadu TAS MAC Shop. During the time of investigation, the contraband materials which were possessed by the petitioners had been recovered. Further, the other accused in this case were already granted bail by this Court. The petitioners were in judicial custody from 12.01.2018 onwards. Hence, considering the period of incarceration of the petitioners and also considering the nature of offence committed by the petitioners, custodial interrogation of the petitioners may not be necessary for completing the investigation.

6. Considering the above facts and circumstances, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru.

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

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
19/02/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, THIRUVAIYARU.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
 4. THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION, THANJAVUR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.SURESH KUMAR Advocate SR.No.2680

ORDER
IN
CRL OP (MD) No.2581 of 2018
Date :19/02/2018

MS/CM/SAR.2/19.02.2018/3P.7C